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"Δεῖ καὶ τὰς ἄλλας ἐπισκέψασθαι πολιτείας . . . ἵνα τό τ'ὀρθῶς ἔχον ὀφθῇ καὶ τὸ χρήσιμον."—Arist. *Pol.* II. 1.

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FOUNDERS OF THE DOMINIONS.

[*Contributed by* THE RT. HON. THE LORD CHANCELLOR, G.C.M.G., K.C., LL.D.]

IF any one seriously doubts the enormous value of the Crown as a bond of Empire, I should recommend him to spend a few weeks in attendance at the sittings of the Judicial Committee of the Privy Council. Nothing would enable him better to realise the greatness and the unity of our Empire. There he will hear being argued appeals from the Commonwealth of Australia, from the Dominion of Canada, from South Africa, from the Continent of India, for it is no less, and from our almost innumerable Crown Colonies and Dependencies. From half the world appeals are preferred to His Majesty in Council, and are there disposed of with the result not only that justice is done to the individual suitors, but that all are welded together by the sense that to the King, the head of the whole Empire, appeal is made as to the source of justice.

It was a happy thought that inspired the Editors of this Journal to publish in the present issue the portraits of three great Founders of our Empire, Sir Henry Parkes, Sir John Macdonald, and General Botha.

Sir Henry Parkes earned his place in the Temple of Fame by his successful struggle for the introduction of responsible Government in Australia, and as one of the first advocates of Australian Federation. He was always distinguished for his broad view of the Empire as one and for his devotion to its interests embracing alike the Mother Country and all its Dominions. Though it was reserved for others to pass into law the Act for the establishment of the Australian Commonwealth, that measure may justly be regarded as largely due to Sir Henry Parkes, the precursor of those statesmen under whose hands it assumed its final shape.

The intense vitality of Sir John Macdonald has stamped itself upon Canada as upon the whole Empire. We read that in one

of his earliest election addresses he said : " I therefore need scarcely state my firm belief that the prosperity of Canada depends upon its permanent connection with the Mother Country, and that I shall resist to the utmost any attempt, from whatever quarter it may come, which may tend to weaken that Union." His whole political life was devoted to realising that ideal, and he had the supreme satisfaction of creating the great Federation of the Dominion of Canada, now rather a sister of the Mother Country than a daughter. His name must ever be held in honour.

It is one of the greatest triumphs of those principles of which the British Empire is the embodiment that the ablest and keenest of our opponents in the South African War, less than twenty years ago, General Botha, is now one of the pillars of the Empire. A great soldier, a great statesman, a great leader of men, he stands shoulder to shoulder with Great Britain in strife against that hateful militarism which, if it succeeded, would make the world not worth living in. No words can express the debt which the Empire owes to him and to his comrade General Smuts, whom we have lately learned to know and to admire.

The three great men whose portraits appear in this issue are honoured wherever the Union Jack flies.

REVIEW OF LEGISLATION, 1915.

INTRODUCTION.

[*Contributed by* SIR COURTENAY ILBERT, G.C.B.]

THE task of preparing a review of the 1915 legislation has had to encounter serious difficulties. Communications from parts beyond the seas were tardy and uncertain, and consequently the record has not been quite as complete as could have been wished. For instance, our readers will miss the admirable report on the legislation of the Commonwealth, usually contributed by Mr., now Sir Randolph, Garran, but they will all congratulate him on his appointment to the office of Solicitor-General to the Commonwealth.

Of the enactments of the year the greater part belonged to the class of emergency legislation. They were rapidly prepared and rapidly passed, experimental in character, and for the most part temporary in duration. When times of peace and leisure return, it may be possible to make a retrospective and comprehensive survey of the characteristics of this legislation. At present all that can be done is to chronicle briefly its course, supplying materials for a comparison of the different ways in which similar problems were handled in different parts of the world.

But time was found for some legislation of a more normal class. At Westminster the work of the ultimate Court of Appeal was facilitated by enabling the Judicial Committee to sit in two divisions. The Indictments Act did for criminal procedure what had been done for civil procedure by the Judicature Acts, and supplied a schedule of short and simple forms, which can be amended and supplemented by a Rules Committee. The Government of India Act cleared away a jungle of nearly fifty Acts passed between 1770 and 1912, and consolidated the English statute law relating to the government of India into a single Act

of 135 sections. Some further simplifications which were held in 1915 to lie beyond the scope of mere consolidation have been since effected by an amending Act of 1916.

There was a good deal of Canadian legislation. The constitution of the Canadian Senate was amended by an Act of the British Parliament passed at the instance of the Dominion legislature. That legislature made some important amendments in the permanent electoral law, and also provided machinery for enabling absent soldiers to exercise their franchise by means of ballot papers. British Columbia, which was prolific in legislation, set up an Agricultural Credit Commission with power to aid agriculture by money raised on the credit of the Province, and provided for the establishment of agricultural associations, which can be grouped into district exchanges. Their object is to develop and improve the industries and agriculture and horticulture by the introduction of improved methods, and to facilitate the marketing of produce. Manitoba attached to its Department of Public Works a Bureau of Labour, charged mainly with the duty of supplying useful statistics. Nova Scotia passed a new Workmen's Compensation Act, departing widely from the Act of 1910, which was modelled on the English Act of 1897. The new Act, which resembles that now in force in Ontario and in some of the United States of America, is based on the principle of compulsory mutual insurance. Nova Scotia also made school attendance compulsory between the ages of six and sixteen. Ontario did not contribute much legislation of special interest, but Quebec was very busy. The Quebec legislature had been much disturbed by a recent decision of the Privy Council (*Cotton* v. *The King*), which invalidated some of its enactments on the subject of succession duties, and it passed a series of new Acts on this subject.

In Australia the New South Wales Legislature passed an Act dealing with the relations between the Commonwealth Parliament and the States Parliament. The Commonwealth Parliament had passed through both Houses certain laws extending its powers, but these laws had to be validated by referenda, and arrangements had been made for taking the necessary referenda in the different States. But the outbreak of the war made the taking of the referenda undesirable, and it was arranged between the Commonwealth and the State Premiers that the situation should be temporarily met

by State legislation referring certain matters to the Federal Parliament under s. 51 (xxxvii) of the Commonwealth Constitution. New South Wales passed an Act for that purpose, but it is only to remain in force until twelve months after peace is declared. Among other New South Wales Acts may be mentioned a Fair Rents Act, which attempts to regulate the rents of dwelling-houses subject to a lease not exceeding three years at a rent not exceeding £150 a year.

Queensland remodelled its electoral law, which now provides for adult suffrage, on the principle of one adult one vote. Voting is compulsory. Queensland also passed a new income tax law, graduating the tax and distinguishing between (1) incomes derived from personal exertion, (2) incomes derived from the produce of property, (3) incomes of absentees, (4) incomes of companies not being public utility companies or monopoly companies, and (5) incomes of public utility companies and monopoly companies. Labour exchanges, trade unions, and workmen's compensation also formed the subjects of legislation. For the purpose of workmen's compensation a State Accident Insurance Office is set up, with a fund aided by a grant out of the State revenue, and issuing policies guaranteed by the Government. The new Queensland land tax follows to some extent the legislation of the Commonwealth.

Victoria passed a Wheat Marketing Act enabling the Government of Victoria to join in an Australian scheme for utilising on a fair basis the means of transportation available and for the marketing of the wheat harvest on behalf of the grower, at prices based on those obtainable on the London wheat market with certain deductions. Power was taken to obtain all wheat in Victoria, and to arrange with banks for the means of payment. Some important amendments were made in the law relating to criminal procedure and to the treatment of prisoners, and larger powers were given for dealing with public health, and, in particular, the Minister of Public Health was enabled to supersede the slower action of municipal councils and their officers, and to take drastic steps when necessary in the interests of the health of the community.

The Solicitor-General for New Zealand must be a very busy man. Under a New Zealand Act of 1908 he is charged with the duty of making a "compilation" or, as we should call it, a consolidation of Acts on a given subject whenever he is required to do so by a

resolution of both Houses of the General Assembly. The Acts contain very specific directions as to the way in which the "compilation" is to be framed and the information which is to be supplied about its contents. Any "compilation" so prepared is to be forwarded by the Solicitor-General to the Clerk of Parliaments, and a copy laid on the table of each House of Parliament. The Solicitor-General is to make such consequential or other alterations as are in his opinion required to give effect to implied repeals and to secure uniformity of expression. Alterations of this kind are to be subject to review by the legislature, but otherwise the compilation is to take effect as statute law without alteration. This method was applied in 1915 to the Land Transfer Act of New Zealand. One would like to know how it works in practice, and how far it facilitates the useful but laborious and thankless task of consolidation. Besides this compilation the Solicitor-General found time to draft a Cook Islands Act of 660 sections, containing, apparently, the whole of the statutes for these islands.

Mr. E. L. Matthews describes the conditions under which the legislation of the South African Union was conducted in 1915:

> The opening day of the session was a month later than in previous years, owing to the fact that the Government's attention was absorbed by preparations for the military expedition to occupy German South-West Africa. . . . The Prime Minister left the Union to command the expeditionary force before the commencement of the session, and was absent throughout. The Minister of Defence also assumed the command of part of the force, and departed for the front some time before the session concluded. In addition nearly one-fifth of the members of the House of Assembly were absent on active service, or for other causes arising out of the war and the recent rebellion. The legislative work was limited, therefore, to matters which were of immediate necessity.

In these circumstances the session was short and the legislative work was limited to matters of immediate necessity. Among the Acts passed four were financial and one was an amendment of the Income Tax Act of 1914, which for the first time imposed throughout the Union an income tax on all incomes over £1,000 a year. The highest rate of tax under the Act of 1914 was 1*s.* 6*d.* in the pound on incomes of £24,000 a year or upwards, and income-tax payers in the United Kingdom will learn with envy that the maximum rate to which this was increased in 1915 was 2*s.* in the pound. The out-

break of the South African Rebellion and the consequent proclamation of martial law led to a crop of Acts providing indemnities, validating proclamations and regulations, setting up special criminal courts, imposing punishment for rebellion, making arrangements for assessing compensation, and granting annuities in certain cases. It was also found necessary to remove disabilities arising out of service during the war or the rebellion, and to grant relief from death duties and other liabilities to persons engaged on active service. Several Ordinances were passed by the States of the Union, but on these it is unnecessary to dwell.

The Review contains full reports of the legislation in other parts of the Empire, including India, but the legislation of these parts must also be passed over very lightly. The Indian legislation of 1915 was not exclusively concerned with war matters. The older Indian universities date from the Indian Mutiny of 1857. Their youngest sister, the new Hindu University of Benares, which is now established or in course of establishment under an Act of 1915, will date from the great war which is now raging. Egypt for a second time takes her place among the Mediterranean Colonies as part of the British Empire, but a large part of her legislation for the year assumes the form of proclamations issued by the supreme military authority.

The European States which have contributed reports are Denmark, France, Italy, Norway, and Sweden. The year 1915 gave Denmark a new constitution, and the Constitution Act of that year embodies the results of liberalising reforms which have been in progress since the beginning of the century. Under the new constitution the electoral franchise for both Chambers is based on the principle of one man one vote, and the word "man" is expressly stated to include "woman." Voters for the lower Chamber must have completed twenty-five years, for the Upper Chamber thirty-five years. Election to the Upper Chamber is indirect, and by means of proportional representation; election to the Lower Chamber is direct. The election period for the Upper Chamber is eight, and for the Lower Chamber four years. Parliament is to be held every year. The Budget Bill is initiated by the Lower Chamber. The King can close Parliament, but not until the Budget has been passed. The King can dissolve the Lower Chamber, but only in exceptional cases the Upper Chamber. Parliament must meet

again two months after a dissolution. Provisional laws may be made by the King in very urgent cases, but must not be contrary to the Constitution, and must be submitted for confirmation by Parliament immediately after the next meeting. Members of both Chambers receive the same allowances.

A large number of Laws were passed by the French legislature in 1915, and M. Sansas supplies an analysis of the most important among them. A very few may be picked out at random. In France young men of eighteen and nineteen years of age are called to the colours at once, and men of forty-eight are kept at the disposition of the Minister of War. A Law of April 1915 was passed to assure the even distribution and better utilisation of men called up or liable to be called up for service. By another Law of 1915 the Government was authorised to revoke the decrees of naturalisation obtained by former subjects of powers at war with France. The manufacture, the wholesale and retail sale, and the circulation of absinthe and similar liquors were forbidden. The enforcement of the income tax instituted in 1914 had to be postponed when the war broke out, and by a Law of December 1915 was made leviable from the beginning of January 1916. Persons whose taxable income does not exceed 5,000 francs (£200) are exempt, and there are partial exemptions for married people and in respect of dependants. The rate of tax is graduated on a scale varying with income.

Italy did not enter the war till May 23, 1915, but all the legislation of the year is concerned with provisions relating to or arising out of the war. Many of the ordinary taxes were increased, and many special taxes, including a tax on war profits, were imposed.

Norway appears to have accomplished a good deal of legislation, including important measures for the reform of judicial procedure and an interesting law on children's rights and indemnity insurance.[1]

Sweden modernised her marriage laws, and codified her contract law.

On the other side of the Atlantic the legislation of the United States of America continues to grow in volume, and we are informed that in 1915 the volume of legislative Acts, both of the United States Congress and of the several States, was considerably in excess of the normal. In Congress alone nearly 29,400 Bills were introduced, but

[1] For a full description of this law see the article by the President of the Odelsting, vol. xvi. p. 282.

of these comparatively few were finally passed, and of those that became law only a small number were, we are told, of importance. It must be borne in mind that the number given includes private as well as public Acts. In all but one of the several States the Governor has a power of veto over legislation, and that power is freely exercised. In California, New York, and Pennsylvania nearly one-third of the Acts passed were vetoed by the Governor.

The most notable features of the year's legislation were, according to Mr. Newton Crane, measures for reforming and simplifying judicial procedure, and measures for guarding and protecting the welfare of the individual members of the community. In the field of eugenic legislation, having for its object the welfare of future generations, American legislatures have made some bold and even startling experiments, some of which have been declared unconstitutional, whilst others have probably remained inoperative. Mr. Crane's survey of the course of American legislation, in the extensive and varied range of subjects with which it deals, is well worth careful study.

BRITISH EMPIRE.

I. BRITISH ISLES.

1. UNITED KINGDOM.

[*Contributed by* D. H. PETTITT, ESQ.]

Acts passed—Public General, 78; Local and Personal (including Public Acts of Local character), 109; Private (not printed), 3.

FROM the point of view of urgency, the legislation which was immediately consequent upon the war formed the most important part of the work of Parliament during the year 1915. At the same time Parliament found time and opportunity to pass some Statutes of importance which are not war legislation in any sense, and which effect valuable and permanent reforms in various departments of national and Imperial affairs.

Appeals.—The Judicial Committee Act (c. 92, U.K.) gives power to the Judicial Committee of the Privy Council, subject to the approval of the Lord Chancellor and the Lord President of the Council, to sit in more than one division at the same time. The appellate jurisdiction of this tribunal, dealing as it does with Indian and Colonial matters, gives the Act an Imperial character. The power given by the Act should be of great assistance in enabling this important branch of the Judicature to deal promptly with the cases which come before it, and suggests that a similar system of procedure as regards the House of Lords might be worthy of consideration.

British North America.—Important alterations are made in the constitution of the Canadian legislature by the British North America Act, 1915 (c. 45).[1] The number of senators provided for by s. 21 of the British North America Act of 1867 is increased from seventy-two to ninety-six; the divisions of Canada in relation to the constitution of the Senate are increased from three to four; the

[1] See also the Canadian Act on the subject, *infra*, p. 33.

fourth division to comprise the Western Province of Manitoba, British Columbia, Saskatchewan, and Alberta, each division returning the same number of senators. The number of senators who may be added by the Governor-General of Canada upon the direction of His Majesty the King is increased from three or six to four or eight, representing equally the four divisions of Canada; and restriction is imposed on the summoning of further members. The number of senators is limited to 104, with a possible increase to 110 in the event of Newfoundland becoming part of the Union; in which event Newfoundland will be entitled to six senators instead of the four provided for by the earlier Act. None of these provisions is to affect the powers of the Canadian Parliament under the British North America Act, 1886, and the alterations do not take effect until the termination of the Canadian Parliament existing at the time of the passing of the Act (May 19, 1915). The Act provides that a Province shall always be entitled to a number of members in the House of Commons not less than the number of senators representing such Province.

Companies.—The Statutory Companies (Redeemable Stock) Act, 1915 (c. 44, U.K.), gives power to any Statutory Company (which means any Railway Company, Canal Company, Dock Company, Water Company, or other Company incorporated by special Act which is, for the time being, authorised under such an Act to construct, work, own, or carry on any railway canal, dock, water, or other public undertaking, including any person or body of persons so authorised), having power to raise any Preference or Debenture Stock, to create and issue that stock so as to be redeemable on such terms and conditions as may be specified in the resolution of the company passed at a special meeting convened for the purpose. The Act is limited in its application to stock authorised before the outbreak of the present war, and before the commencement of the Act (May 19, 1915); and redeemable stock is not to be created or issued in pursuance of the powers given by the Act during the continuance of the present war, and for a period of twelve months thereafter, except with the consent of the Treasury.

Copyright.—The Copyright (British Museum) Act, 1915 (c. 38, U.K.), enables the Board of Trade, on the application of the Trustees of the British Museum, to make regulations excepting such publications as trade advertisements from the provisions of the Copyright

Act, 1911, which requires the publisher of any book published in the United Kingdom to deliver a copy to the Trustees of the British Museum.

Criminal Law.—The Indictment Act, 1915 (c. 90, E.),[1] effects very extensive reform in the administration of criminal justice in England. Following the procedure adopted for courts of civil jurisdiction, the Act establishes a Rule Committee which has power from time to time, subject to the approval of the Lord Chancellor, to make rules regulating the procedure of the Criminal Courts. The first set of rules is contained in a Schedule to the Act, and is subject to alterations by the Rule Committee at any time. Rules made by the Rule Committee are to be laid as soon as may be before both Houses of Parliament, and may be annulled by Order in Council, if either House petitions against the Rules either wholly or in part within forty days, but without prejudice to the validity of anything which may have already been done in pursuance of the Rules. The Rule Committee is to consist of the Lord Chief Justice of England, a judge of the High Court, a chairman of quarter sessions, a recorder, a clerk of assize, a clerk of the peace, and another person having experience in criminal procedure: the appointments to be made by the Lord Chief Justice. Mere technicality is considerably reduced in effect by the provision that indictments shall be sufficient if they contain a statement of the specific offence or offences charged against the accused person, with such particulars as may be necessary for giving reasonable information as to the nature of the charge. A further inroad on mere technicality is contained in the provision which allows charges of felony and misdemeanour to be joined together in the same indictment. At the same time, where the Court is of opinion that an accused person may be prejudiced or embarrassed in his defence by reason of being charged with more than one offence in the same indictment, the Court may direct the person to be tried separately for any one or more offences so charged; and may postpone the trial if expedient, and may make such order as to costs and as to admitting the accused person to bail, and as to recognisances and otherwise, as the Court may think fit. The right of challenge by an accused person where the charge is one of felony is preserved.

[1] For a more exhaustive examination of the Act by Mr. G. Glover Alexander, see Journal, vol. xvi. pp. 236–47.

The rules scheduled to the Act contain an appendix of forms of indictment. These forms are a great advance in simplicity upon the old forms. In the place of the lengthy and verbose form of indictment, with its repetition of formal parts in every separate count, the new forms put the indictment, or the several counts of the indictment, under two simple headings, (1) "Statement of Offence" and (2) "Particulars of Offence." Under the first heading comes the description of the charge, *e.g.* "Forgery," contrary to s. 2 (1) of the "Forgery Act, 1913"; or, "Libel"; or, "Larceny, after previous conviction"; and under the second heading comes a statement of the facts which the prosecution proposes to prove; *i.e.* the definite act with which the prisoner is charged, and particulars of date and place. Thus, the oft-repeated words with which an indictment, or the various counts of an indictment, opened and closed are dispensed with. It is no longer thought relevant to inform the prisoner as many times as there are counts in the indictment that "the jurors of our Lord the King upon their oath present" the charge; nor that the offence alleged is "against the peace of our Lord the King, his Crown and dignity" or "against the form of the statute in such case made and provided, and against the peace of our Lord the King, his Crown and dignity." This excision in itself is a considerable saving in mere verbiage; but the forms effect a still further economy in language in pruning down the technical description of the alleged offence. For instance, the charge of larceny is covered by the word "steal" instead of "steal, take and carry away," the offence of receiving is described as "did receive a bag, the property of C. D., knowing the same to have been stolen," instead of (as in the old form) by stating "that the said J. S. on the 1st day of November in the year of Our Lord One thousand nine hundred and fifteen one bag the goods and chattels of C. D. before then feloniously stolen, taken and carried away feloniously did receive and have, he, the said J. S. then well knowing the same to have been feloniously stolen, taken and carried away."

The forms given are, to some extent, only specimens, for there are many indictable offences for which no forms are given, including such common cases as those of embezzlement and "attempt" to commit any crime. But they are apt illustrations of the intention of the rules in the direction of brevity and simplicity. It does not follow that they will do all that is expected of them. The

appendix to the Rules of Procedure in the Supreme Court contains some admirable examples of conciseness in forms of pleading, and yet every practitioner knows that the pleadings which one meets with in practice fall far short of the specimen forms, so far as mere compression is concerned; and, no doubt, they often necessarily do so. But the attempt now made will, doubtless, effect a great reform even though it may fall far short of perfection.

Probably the most important of all the changes effected by the Act are those relating to the amendment of an indictment. The Court has the power to order any such amendment either before trial, or at any stage of the trial, provided that no injustice is done thereby to the accused. It will be remembered that the Criminal Justice Administration Act, 1914, made some advance in this direction by the provision that a prisoner arraigned on an indictment for any offence, if he could lawfully be convicted on such indictment of some other offence not charged, might plead not guilty to the offence charged and guilty of the other offence. The same Act enables a person indicted for larceny to be convicted of false pretences although one offence is a felony and the other a misdemeanour. The rules under the present Act enable any charges of felony and misdemeanour to be joined in one indictment if the charges are founded on the same facts, or form part of a series of offences of the same or a similar character. It may happen that in practice the use of more concise forms will render necessary a free exercise of the power of amendment; though, on the other hand, the removal of technicality proportionately diminishes the chance of inaccuracy and the consequent need of alteration. There can be no doubt that the power of amendment and the provisions of the Act generally go much farther than any previous reform in criminal procedure. The administration of criminal justice in England appears to be rapidly outgrowing a mere adherence to form.

Fisheries.—The Fishery Harbours Act, 1915 (c. 48, E.), applies only to small harbours which in the opinion of the Board of Trade and the Board of Agriculture and Fisheries are principally used by the fishing industry. It transfers certain powers from the Board of Trade to the Board of Agriculture and Fisheries; it excludes s. 16 of the General Pier and Harbour Act, 1861 (which relates to the procedure following the making of an order for the construction of

works), and inserts other provisions in its place; it gives power to local authorities, with the consent and subject to regulations of the Local Government Board, to contribute or undertake to contribute to the expenses of a harbour authority. The power of making Orders under the Act is not to be exercised after the expiration of two years from the passing of the Act (May 19, 1915) except for the purpose of amending an existing Order.

Fugitive Offenders.—The Fugitive Offenders (Protected States) Act, 1915 (c. 39), enables the provisions of the Fugitive Offenders Act, 1881, to be extended by Order in Council to any place, or group of places, over which His Majesty extends his protection. The Act of 1881 (44 & 45 Vict. c. 69) had enabled a person who is accused of having committed certain specified offences in one part of His Majesty's dominions to be apprehended in any other part and returned to the part from which he is a fugitive. The same Act also contained provisions as to the time within which the person apprehended is to be conveyed out of that part of the King's dominions within which he is apprehended, and also certain details of procedure. It provided also that where two British possessions adjoin, a person accused of an offence committed on or within the distance of 500 yards from the common boundary of such possessions may be apprehended, tried, and punished in either of such possessions; and also that an offence committed on a journey by rail, canal, or navigable river, etc., may be tried in any British possession through a part of which the journey may have been made, and where the journey is along a river, lake, or canal which is the boundary of the British possession, a person may be tried in such possession; but in the case of a person who is not a British subject, the Act did not authorise the trial of such a person when it is not shown that the offence was committed in a British possession. The Act of 1881 defined a "British possession" as any part of His Majesty's dominions, exclusive of the United Kingdom, the Channel Islands, and the Isle of Man. The new Act (which consists of only two sections) authorises the application of the Act of 1881 to any British Protectorate named in the Order in Council, subject to any conditions, exceptions, or qualifications (if any) contained in the same Order.

India.—The Government of India Act, 1915 (c. 61), is a very important and useful measure of consolidation dealing with the

numerous enactments relating to the Government of India.[1] The Act consists of 135 Sections, and came into operation on January 1, 1916. It supersedes and repeals nearly fifty Acts, passed between 1770 and 1912.[2]

Marriages.—Under the Marriage of British Subjects (Facilities) Act, 1915 (c. 40, U.K.), where His Majesty is satisfied that the law in force in any part of His Majesty's dominions outside the United Kingdom makes due provision for the publication of banns or for the giving of notice in respect of marriages between British subjects intended to be solemnised or contracted in the United Kingdom, and for the recognition of certificates for marriage issued by the proper authorities in England, Scotland, and Ireland respectively as sufficient notice in respect of marriages between British subjects intended to be solemnised or contracted in that part of His Majesty's dominions, His Majesty may by Order in Council declare the Act to apply to that part of his dominions, and in such case, where a marriage is intended to be solemnised or contracted in the United Kingdom between a British subject resident therein and a British subject resident in that part of His Majesty's dominions included in the Order in Council, a certificate of the publication of banns, or a certificate of notice of marriage issued in accordance with such law, is to have legal effect in England, Scotland, and Ireland respectively. A further provision of the Act gives effect to marriages solemnised, not in the United Kingdom, but in that part of His Majesty's dominions included in the Order in Council between a British subject resident in that part and a British subject resident in England, Scotland, or Ireland.

Midwives.—The Midwives (Scotland) Act, 1915 (c. 91, S.), provides for the certification of Midwives as from January 1, 1917; and for the formation of a Central Midwives' Board for Scotland. It confers upon that Board various powers as to the issuing of certificates, the appointment of examiners, the suspension of midwives from practice, the removal from the roll of the name of any midwife, and other matters. The removal from the roll is subject to the right of appeal to either division of the Court of Session.

[1] For a summary of its provisions compared with the Constitution of Canada by Professor Berriedale Keith, see Journal, vol. xvi. pp. 199–219.

[2] Some alterations and repeals which were considered to be beyond the scope of consolidation have been made by the Government of India (Amendment) Act, 1916 (6 & 7 Geo. V. c. 37).

The local authority of every district in which the Act is operative is constituted the local supervising authority over midwives within that district, and the duties imposed upon them in this capacity are set out in the Act. After January 1, 1922, no woman is to undertake the duties of a midwife unless registered under the Act, or unless acting under the direction of a registered medical practitioner; but there is a saving proviso in favour of any person who is a registered medical practitioner or who is rendering assistance in case of emergency. The Act, except as otherwise provided, came into operation on January 1, 1916.

Milk and Dairies.—The Milk and Dairies Postponement Act, 1915 (c. 59, E.S.), postpones the commencement of the Milk and Dairies Act, 1914, and the Milk and Dairies (Scotland) Act, 1914, until some date not later than one year after the termination of the present war, to be fixed by the Local Government Board and the Local Government Board for Scotland respectively. The Milk and Dairies (Consolidation) Act, 1915 (c. 66, E.), repeals the Milk and Dairies Act, 1914, and so much of the Milk and Dairies Postponement Act, 1915, as relates thereto. The Act consolidates the provisions of various previous Acts relating to the subject of milk and dairies; it constitutes the Local Government Board as the government department for administering the Act; it amends certain provisions in the Sale of Food and Drugs Act, 1875 to 1907, in reference to the taking of samples of milk, and to proceedings in connection therewith; and contains schedules relating to procedure and other matters.

Ministers.—Under the Re-election of Ministers Act (c. 50, U.K.) a member of the House of Commons was not to vacate his seat by reason only of his acceptance of an office of profit during the months of May and June, 1915. The Act, which came into operation on June 4, 1915, was to be deemed to have effect from May 1 in that year, and thus had retrospective operation.

Notification of Births.—The Notification of Births (Extension) Act, 1915 (c. 64, U.K.), provides for an extension of the Act of 1907 by enacting that that Act shall, as from September 1, 1915, extend to and take effect in every area in which it is not already in force. The local authority of any area in which the Act of 1907 is not already in force is required to bring the provisions of that Act to the attention of medical practitioners and midwives in the district. The

local authority for the district, whether it is a sanitary authority or not, may for the purpose of the care of expectant mothers, nursing mothers, and young children exercise any of the powers which a sanitary authority has under the Public Health Acts, 1875 to 1907, or the Public Health (London) Act, 1891. The Act contains special provisions for its application to Scotland and Ireland.

War Emergency Legislation.

[*Contributed by* Sir Courtenay Ilbert, G.C.B., *and* C. E. A. Bedwell, Esq.]

At the close of the calendar year, 1914, emergency legislation was in active progress. Parliament was in recess from November 27, 1914, until February 2, 1915, but Orders in Council, Proclamations, and statutory rulings continued to appear.

Trading with the Enemy.—On January 7[1] a Proclamation extended trading with the enemy to transactions entered into by persons, firms, or companies resident, carrying on business or being in the United Kingdom (*a*) in respect of banking business with a branch situated outside the United Kingdom of an enemy person, firm, or company, or (*b*) in respect of any description of business with a branch situated outside the United Kingdom of an enemy bank.

In an official statement[2] issued on February 4 it was explained that the Proclamation was not intended to interfere with *bona fide* commercial transactions simply on the ground that they may involve some financial operation, which technically comes within the meaning of the words "banking business," if that operation is merely incidental to the transaction, and does not affect the general character of the transaction, as a commercial (distinguished from a banking) transaction.

Nor was the proclamation intended to interfere with the transactions of banks "acting in the ordinary way of commerce and not in any way as bankers," so long as those transactions were permissible independently of the Proclamation.

On January 11 the Lord Chancellor made rules[3] regulating the procedure for vesting and applying enemy property, and requiring

[1] *Manual*, Suppl. 3, p. 545. [2] *Ibid.* p. 547. [3] *Ibid.* p. 57

the "suspecting presentee" of "suspected coupons" to pay into Court money due in respect of those coupons.

Prohibited Exports.—A Consolidating Proclamation dated February 2, 1915, repealed the Proclamation of November 10, 1914,[1] with its list of prohibited exports, to which amendments had been made subsequently. The amendments made before the close of the year 1914 were noted in last year's review.[2] A Proclamation of January 4, 1915,[3] had added a prohibition of the export of clover and grass seeds, motor vehicles of all kinds and their parts, to all foreign ports in Europe and on the Mediterranean and Black Seas other than those of France, Russia (except Baltic ports), Belgium, Spain, and Portugal. The exportation of fish-oil in any form was entirely prohibited on the same date. On January 8[4] cocoa was substituted for tea in the list of articles prohibited to all foreign ports in Europe other than those of France, Russia (except Baltic ports), Belgium, Spain, and Portugal. An order of March 2 added paraffin, wax, and prussiate of soda to the goods of which the export was prohibited to places other than British Possessions.

Currency.—A Proclamation of February 3[5] revoked the provision under which postal orders had been made legal tender.

Prize.—An Order in Council[6] and a Warrant of February 3 directed the Prize Courts of the United Kingdom, Egypt, Zanzibar, and Cyprus to take cognisance of the capture of Turkish vessels.

Trading with the Enemy.—On February 16[7] a Proclamation dealt with "occupied territory" either of the Allies or the enemy. If certified by a Secretary of State to be in effective military occupation either by British troops or by those of our Allies the territory is regarded as in friendly occupation and dealings are permitted as if it were British territory; but if the territory is in hostile occupation it is regarded as an enemy country.

Of far greater importance and interest was the Order in Council of March 11, 1915,[8] "framing reprisals for restricting further the commerce of Germany." It has been the subject of much argu-

[1] *Manual*, Suppl. 3, p. 382.
[2] See *Review of Legislation*, 1914, p. 27.
[3] *Manual*, Suppl. 3, p. 379.
[4] *Manual*, Suppl. 2. [5] *Ibid.* p. 326. [6] *Ibid.* p. 504. [7] *Ibid.* p. 547.
[8] *Manual*, Suppl. 3, p. 513. This Order in Council was considered at some length in an article by G. G. Phillimore on "Contraband of War." See Journal, vol. xv. pp. 233–238.

ment and controversy, and has at times threatened to imperil friendly relations with neutral Powers. It began by reciting that the German Government had issued certain Orders, which, in violation of the usages of war, purported to declare the waters surrounding the United Kingdom a military area, in which all British and allied merchant vessels would be destroyed irrespective of the safety of the lives of passengers and crew, and in which neutral shipping would be exposed to similar danger in view of the uncertainties of naval warfare; that in a memorandum accompanying the said Orders neutrals were warned against entrusting crews, passengers, or goods to British or allied ships; that such attempts gave to His Majesty an unquestionable right of retaliation; that His Majesty had therefore to adopt further measures in order to prevent commodities of any kind from reaching or leaving Germany, though such measures will be enforced without risk to neutral ships or to neutral or non-combatant life, and in strict observance of the dictates of humanity; that the Allies of His Majesty were associated with him in the steps announced for restricting further the commerce of Germany.

The first four articles of the Order run as follows:

I. No merchant vessel which sailed from her port of departure after March 1, 1915, shall be allowed to proceed on her voyage to any German port.

Unless the vessel receives a pass enabling her to proceed to some neutral or allied port to be named in the pass, goods on board any such vessel must be discharged in a British port and placed in the custody of the Marshal of the Prize Court. Goods so discharged, not being contraband of war, shall, if not requisitioned for the use of His Majesty, be restored by order of the Court, upon such terms as the Court may in the circumstances deem to be just, to the person entitled thereto.

II. No merchant vessel which sailed from any German port after March 1, 1915, shall be allowed to proceed on her voyage with any goods on board laden at such port.

All goods laden at such port must be discharged in a British or allied port. Goods so discharged in a British port shall be placed in the custody of the Marshal of the Prize Court, and, if not requisitioned for the use of His Majesty, shall be detained or sold under the direction of the Prize Court. The proceeds of goods so sold shall be paid into Court and dealt with in such manner as the Court may in the circumstances deem to be just.

Provided that no proceeds of the sale of such goods shall be paid out of Court until the conclusion of peace, except on the application of the proper Officer of the Crown, unless it be shown that the goods had become neutral property before the issue of this Order.

Provided also that nothing herein shall prevent the release of neutral property laden at such enemy port on the application of the proper Officer of the Crown.

III. Every merchant vessel which sailed from her port of departure after March 1, 1915, on her way to a port other than a German port, carrying goods with an enemy destination, or which are enemy property, may be required to discharge such goods in a British or allied port. Any goods so discharged in a British port shall be placed in the custody of the Marshal of the Prize Court, and, unless they are contraband of war, shall, if not requisitioned for the use of His Majesty, be restored by order of the Court, upon such terms as the Court may in the circumstances deem to be just, to the person entitled thereto.

Provided that this Article shall not apply in any case falling within Articles II. or IV. of this Order.

IV. Every merchant vessel which sailed from a port other than a German port after March 1, 1915, having on board goods which are of enemy origin or are enemy property may be required to discharge such goods in a British or allied port. Goods so discharged in a British port shall be placed in the custody of the Marshal of the Prize Court, and, if not requisitioned for the use of His Majesty, shall be detained or sold under the direction of the Prize Court. The proceeds of goods so sold shall be paid into Court and dealt with in such manner as the Court may in the circumstances deem to be just.

Provided that no proceeds of the sale of such goods shall be paid out of Court until the conclusion of peace except on the application of the proper Officer of the Crown, unless it be shown that the goods had become neutral property before the issue of this Order.

Provided also that nothing herein shall prevent the release of neutral property of enemy origin on the application of the proper Officer of the Crown.

Shipping.—The first [1] of a series of Acts which received the Royal Assent on March 16 required the approval of the Board of Trade to any transfer of a British ship.

Universities.—The depletion of Oxford and Cambridge Universities by the enlistment of students had a serious effect upon their finances and made it necessary to extend their borrowing powers and the time for repayment of money borrowed. The Act passed

[1] British Ships (Transfer Restriction) Act, c. 21. *Manual*, Suppl. 3, p. 219.

for that purpose also enabled the authorities to make "emergency statutes"[1] as to the suspension and tenure of fellowships and scholarships and as to other matters arising out of war conditions.

Military Law.—The Army (Suspension of Sentences) Act[2] authorised the military authorities to suspend sentences of penal servitude or imprisonment, passed upon soldiers on active service beyond the seas. The soldier is to be set at liberty and at the end of three months his case is to be reconsidered with a view to the remission of the sentence. If his conduct is not satisfactory he may at any time be committed to prison to carry out his sentence. If, while his sentence is suspended, he is sentenced again to penal servitude or imprisonment, the second sentence may also be suspended. In any case the imprisonment cannot exceed two years, and the second sentence of penal servitude cancels the first.

An amendment of the Army Act[3] gives jurisdiction to County Court Judges to settle the amount of payment for goods requisitioned by the military authorities. The same Act invested with disciplinary power naval officers attached to military forces and *vice versa*.

Pensions and Allowances.—Another Act of March 16[4] was similar to those[5] previously passed for giving pensions and allowances to men who in different capacities supplement the work of the Army and Navy. It applied to men employed afloat in connection with the telegraph and postal services. Another pension Act[6] provided for the Royal Irish Constabulary and the Dublin Metropolitan Police, and their dependants.

National Insurance.—Two Acts were passed to amend the National Insurance Act.[7] The first, which amended Part II. of the principal Act, enabled workmen employed abroad to continue their payments as if still in this country.

The second amended Part I. of the Act[8] by providing that

[1] Universities and Colleges (Emergency Powers) Act, c. 22. *Ibid.* p. 220.
[2] C. 23. *Manual*, Suppl. 2, p. 225.
[3] Army (Amendment) Act, c. 26. *Manual*, Suppl. 3. p. 228.
[4] Injuries in War (Compensation) Act, c. 24. *Manual*, Suppl. 3, p. 227.
[5] See *Review of Legislation*, 1914, p. 16.
[6] Irish Police (Naval and Military Service) Act, c. 32. *Manual*, Suppl. 3, p. 236.
[7] National Insurance (Part II.) Amendment Act, c. 27. *Manual*, Suppl. 3, p. 231.
[8] National Insurance (Part I.) Amendment Act, c. 29. *Manual*, Suppl. 3, p. 232.

Approved Societies should deduct 5*s.* a week from the sickness or disablement benefit payable to a discharged sailor or soldier in receipt of a total disablement pension in consequence of the present war.

Under another provision of the Act any pension or other allowance to civilians injured through the war which is payable under various emergency Acts is to be treated for Health Insurance purposes as though it were compensation paid under the Workmen's Compensation Act, 1906.

Customs.—The Customs (War Powers) Act [1] strengthens the law on weak points revealed by operations connected with the war. The Commissioners of Customs previously had control over goods put on board ship, but not over stores entered on her victualling bill, and it was found that through this channel goods were reaching the enemy. The first section remedies this defect. Another section strengthens the penalties on coasting ships for departing without clearance. Under another provision a bill of lading might be so expressed as to require the captain of the vessel to deliver the goods to the person for whom it was stated that they were intended when the licence was given to export them.

Goods arriving without a certificate of neutral origin may be seized and detained in accordance with the Customs Consolidation Act.[2]

Defence of the Realm.—Two Acts were passed on March 16 to amend the Defence of the Realm Consolidation Act.[3] By the first [4] the right of trial by jury, which had been suspended by the principal Act, was restored to civilians. The person charged is required to make the claim to be tried by a civil court with a jury "within six clear days from the time when the general nature of the charge is communicated to him." The second Act [5] increased the powers of the Government over factories for making war material. The principal Act had enabled the Government to take over factories actually engaged and the amending Act gave power to control any factory which might be adapted for making war

[1] C. 31. *Manual*, Suppl. 3, p. 234.
[2] 39 & 40 Vict. c. 36, s. 42.
[3] *Review of Legislation*, 1914, p. 29.
[4] Defence of the Realm Amendment Act, c. 34. *Manual*, Suppl. 3, p. 238.
[5] Defence of the Realm Amendment (No. 2) Act, c. 37. *Manual*, Suppl. 2, p. 243.

materials and to take over any machinery or empty building in order to increase the output of war supplies. It also protects owners against damages for breach of contract in carrying out the requirements of the law.

Marriages of Seamen.—The Naval Marriages Act,[1] passed on March 16, authorised a sailor, upon obtaining a certificate from his commanding officer that the requirements of the public service would not enable him to proceed to the church in which his banns were called, to have the marriage solemnised in any other church. During the war banns of marriage remain valid for twelve, instead of three months.

Contracts with Alien Enemies.—The Legal Proceedings against Enemies Act[2] provides a procedure by which a certain number of typical cases arising out of commercial contracts between British subjects and alien enemies may be brought before the Court for a definite decision. The British plaintiff may issue a writ asking from the Court a declaration as to the position of his contract in view of the outbreak of war. There is no power to obtain damages or an injunction, but the object is merely to ascertain the position of the contract with certainty. The Court may permit service of the writ, in case of need, by advertisement. The defendant may appear by counsel. There must be written evidence of the contract, but the Court has power to waive the strict rules of evidence.

Having passed nineteen Acts since the beginning of the year, Parliament adjourned on March 16 for the Easter recess.

Prohibited Exports.—An Order in Council of March 18 made various alterations in the list of prohibited exports. It placed "all animal oils and fats" on the list of which the export is prohibited to all destinations abroad except British Possessions and Protectorates. It added to the same list various other articles including ammonia and its salts, compounds of aniline, tanning substances of all kinds, deer-skins and goat-skins. It put "desiccated soups" on the list of goods which cannot be exported to any foreign port other than those of France, Russia, Spain, and Portugal. On April 15 lacs of all kinds were added to the same list.[3] Binder twine was added on April 21,[4] and both orders varied the description of oils given in the orders of March 18.[5] A further addition

[1] C. 35. *Manual*, Suppl. 3, p. 240.
[2] C. 36. *Ibid.* p. 241.
[3] *Ibid.* p. 397.
[4] *Ibid.* p. 399.
[5] p. 330.

of raw cotton and metal working machinery was made on April 26.[1] Coal was added on May 6 [2] to the list of goods of which the export is prohibited to all destinations abroad other than British Possessions and Protectorates and allied countries.

Defence of the Realm.—On March 23 a series of amending regulations were made to carry out the two Acts passed earlier in the month [3] and to deal with other matters under the principal Act. They gave power to the Admiralty or Army Council to take possession of any unoccupied premises for the purpose of housing workmen employed in the production, storage, or transport of war material. They provided that a sentence of death passed by a civil court may be executed in any manner as if passed by a Court-martial. Further amendments were made on April 13.[4] An order of April 29[5] prohibited occupiers of ammunition factories from inducing employees in factories engaged on war work to enter their employ or from obtaining labour from more than ten miles away otherwise than through a labour exchange.

Aliens' Restriction.—On April 13 was made an order [6] containing the requirements as to passports in the case of alien passengers either entering or leaving the kingdom or entering any prohibited area. Keepers of hotels, inns, boarding-houses, and lodging-houses are required to keep a register of aliens, enemy or friendly, staying on the premises, and to make a return to the Secretary of State, if required to do so. The expression "keeper of a lodging-house" includes "any person who for reward receives any other person to lodge with him or in his house."

On May 19, before the House rose for the Whitsuntide recess, a small batch of Acts received the Royal Assent.

Police.—The first [7] of them was the third Act relating to the police passed since the declaration of war. It extended the pension privileges conferred by the two previous Acts [8] to any police officer, whether he had served in the past in the Army or not, or whether he had special qualifications or not. If the conditions as to army pensions are less generous than those of the police, a member of the force is to have the benefit of his own police conditions. The right

[1] *Manual*, Suppl. 3, p. 401.
[2] *Manual*, Suppl. 4, p. 222.
[3] See *supra*, p. 14.
[4] *Manual*, Suppl. 3, p. 338.
[5] *Ibid.* p. 339.
[6] *Ibid.* p. 247.
[7] Police (Emergency Provisions) Act, c. 40. *Manual*, Suppl. 4, p. 1.
[8] *Review of Legislation*, 1914, p. 17.

of a policeman who has served his full period to retire on a pension is suspended unless he obtains a medical certificate or special permission. The Act also simplified organisation by enabling a county police authority to take over a small borough police authority in its area and stopped the creation of new police authorities during the war.

Liquor Laws.—The next Act,[1] which amended the Defence of the Realm Act, was also the third of a series. Its object was to give the Government control of the liquor trade in areas where the excessive consumption of alcohol was having a prejudicial effect on the output of munitions, the transport of material, or the discipline of troops. The control is exercised through a central board with power to close public-houses, or require licensed premises to be used for the supply of refreshments. The procedure already existing under the Defence of the Realm Acts as to compensation for injury to property is applied to compensating the owners and licensees. The Immature Spirits (Restriction) Act[2] supplemented the Defence of the Realm Act by forbidding the sale of spirits for consumption unless they had been warehoused for a period of at least three years. A great deal of the intoxication had been ascribed to the consumption of raw spirits.

Army.—The Army (Transfer) Act[3] amended the Army Act by facilitating the transfer from one unit to another in order to provide for wastage.

Companies.—Chapter 44 authorised statutory companies during the war to issue redeemable stock.[4]

Special Constables.—The law[5] in Scotland as to special constables differed from the English law by requiring the persons appointed to be between the ages of twenty and fifty and the appointments to be for a period not exceeding six months. The Special Constables (Scotland) Act[6] repeals these requirements.

Fisheries.—The object of the Fishery Harbours Act[7] is to assist the fishing industry by improving the management and maintenance of small harbours used principally for that purpose.

Prize Courts.—On May 20 a complete list[8] was issued of the

[1] Defence of the Realm (Amendment), No. 3, Act, c. 42. *Manual*, Suppl. 4, p. 3.
[2] C. 46. *Manual*, Suppl. 4, p. 46.
[3] C. 43. *Ibid.* p. 5.
[4] C. 44. *Ibid.* p. 6.
[5] 55 & 56 Vict. c. 55.
[6] C. 47. *Manual*, Suppl. 4, p. 9.
[7] C. 48. *Ibid.* p. 10.
[8] *Ibid.* p. 390.

Prize Courts throughout the British Empire. The list shows the Court having prize jurisdiction, the place where it usually sits, and the officer authorised to conduct prize proceedings.

Contraband.—On May 27 [1] further additions were made to the list of contraband articles. They included maps and plans within the territory or within the area of military operations. Linseed oil was made conditional contraband.

Special Constables.—An order of the same date [2] gave widows and children of a special constable dying from an illness contracted in the execution of his duty gratuities as if he were in the regular force. A similar order [3] was made for Scotland.

Prohibited Exports.—To the list of prohibited exports which had been amended on May 20 [4] further additions were made on June 2.[5] "Forage and food for animals" was defined in much detail. Oats and wheat in any form were included among the articles of which the export is prohibited to all destinations. The prohibition of the export of maps and plans was limited to those on a scale of four miles to an inch or any larger scale. Onions, potatoes, and rye were added to the articles of which the export is prohibited to all foreign ports in Europe other than those of France, Russia, Spain, and Portugal.

Defence of the Realm.—New Defence of the Realm Regulations made on June 2 [6] added to the offences under them neglect by a seaman to join his ship or being in an unfit state to do so or to perform his duties, and transferred prosecutions for "press offences" under the regulations from the naval or military authorities to the Director of Public Prosecutions and corresponding officials in Scotland and Ireland.

Ministers of the Crown.—The Re-election of Ministers Act passed on June 4 [7] suspended during the war the necessity for Ministers of the Crown to seek re-election upon appointment to office in accordance with an Act of Queen Anne.[8]

An Act of June 9 [9] created the new office of Minister of Munitions to organise and control a new department for the supply of the munitions of war of all descriptions.

[1] *Manual*, Suppl. 4, p. 104.
[2] *Ibid.* p. 392.
[3] *Ibid.* p. 393.
[4] *Ibid.* p. 224.
[5] *Ibid.* p. 227.
[6] *Ibid.* p. 122.
[7] C. 50. *Ibid.* p. 14.
[8] 6 Anne, c. 41, s. 24. *Manual*, Suppl. 4, p. 14.
[9] Ministry of Munitions Act, c. 51.

Defence of the Realm.—General additions to the regulations under the Defence of the Realm Act were made on June 10.[1] Modifications of the lighting regulations included a provision that vehicles might not carry lamps capable of movement independent of the movement of the vehicle and throwing light in any other direction than that in which the vehicle is proceeding. A general clause threw on the person accused the burden of proof that his act was done with lawful authority.

Another series of regulations[2] made on the same date dealt exclusively with the control of the sale of intoxicating liquors. They constituted the Central Control Board (Liquor Traffic) which was to be appointed by the Minister of Munitions and was empowered to hold property for the purpose of carrying out the Defence of the Realm (Amendment) (No. 3) Act.[3] The powers of the Board include the complete control of liquor traffic, with power to undertake a monopoly of sale, within a prescribed area. The Board may also establish refreshment-rooms either for the general public or for any particular class of persons and places of entertainment and recreation and supply facilities for postal and banking business. The procedure for the compulsory acquisition of property is set forth in the regulations. Wide powers are given to place the Board outside the provisions of the law as to licences for the sale of intoxicating liquors, refreshments, or tobacco, and for entertainments, and as to the enforcement of covenants. Excise licences may be granted on the authority of a certificate from the Board. The Board have power to appoint inspectors to enforce the regulations.

Ministry of Munitions.—On June 10 the Order in Council[4] was made to carry into effect the Ministry of Munitions Act.[5] The duty of the Minister is:

> To examine into and organise the sources of supply and the labour available for the supply of any kind of munitions of war, the supply of which is in whole or in part undertaken by him, and by that means, as far as possible, to ensure such supply of munitions for the present war as may be required by the Army Council or the Admiralty or may otherwise be found necessary.

The function of the Master-General of the Ordnance in relation

[1] *Manual*, Suppl. 4, p. 125.
[2] *Ibid.* p. 167.
[3] See *supra*, p. 17
[4] *Manual*, Suppl. 4, p. 326.
[5] See *supra*, p. 18.

to contracts, the supply of explosives, and the inspection of munitions subject to mutual agreement as to limitations are transferred to the Minister. Subject to a similar proviso, the work carried on at any government establishment for the manufacture or supply of munitions of war or of any Government department may be transferred to the Ministry.

Food Supplies.—On June 22 orders were made under the Slaughter of Animals Act [1] to forbid the slaughter of animals in calf or in pig, and of any calf, except males, of Channel Islands, Ayrshire and Kerry breeds, under the age of twelve weeks.

Prohibited Exports.—The object of the Customs (Exportation Restriction) Act [2] passed on June 24 is to prohibit the goods sent to any particular country from going to any but a particular consignee, and so giving statutory authority to the arrangement made for sending goods to the Netherlands Oversea Trust and similar bodies in other neutral countries. On the same date further alterations were made in the list of prohibited exports.[3] On the following day a Proclamation [4] was issued under the new Act prohibiting the exportation of any goods to the Netherlands unless consigned to the Netherlands Oversea Trust.

On July 2 a further batch of Acts received the Royal Assent.

Munitions of War.—The Munitions of War Act [5] was complementary to the Ministry of Munitions Act [6] passed earlier in the session. The first part deals with the settlement of differences which may arise as to the conditions of employment upon munitions work or in any industry which affects the supply of munitions. The point in dispute is to be referred to the Board of Trade for settlement by reference to one of the three arbitration tribunals set up by the Act or in accordance with any agreement between employers and employed, who are fined for taking part in lock-outs or strikes unless the Board of Trade have failed to take action for the settlement of a dispute within twenty-one days of receiving notice of it.

The second part of the Act relates to the establishments which for the successful prosecution of the war are placed by the Ministry under the special conditions contained in the Act and are thereby known as "controlled establishments." The effect of this control

[1] See *Review of Legislation*, 1914, p. 21.
[2] C. 52. *Manual*, Suppl. 4, p. 16.
[3] *Ibid.* p. 230.
[4] *Ibid.* p. 236.
[5] C. 52. *Ibid.* p. 17.
[6] See *supra*, p. 18.

is that the employers' profits are limited to what is normally 120 per cent. of the average for the past two years. The excess profit is paid into the National Exchequer. Changes in the rate of remuneration of any person employed in the establishment must have the approval of the Ministry of Munitions.

Any rules or shop customs which may have the effect of limiting the output of munitions in those establishments are suspended. The Ministry of Munitions also has a general power to make regulations for the ordering of the work in controlled establishments with a view to securing the maximum output. Part II. also provides for workmen to make voluntary undertakings to work in any establishment to which the Minister assigns them and prohibits persons who have left work in engineering, shipbuilding, or munition factories, without a certificate that they left work with their employer's consent, from being re-employed within six weeks upon the making of munitions. There is an appeal against a refusal to grant a certificate, and arrangements are made for the issue of badges by the Ministry to persons engaged on war work. The third part authorises the Ministry to obtain information from employers as to the work being done and authorises the payment of members of arbitration and munitions tribunals. Two classes of tribunals are constituted under the Act. The first has jurisdiction in all matters with which it deals, and the second is limited to determining complaints as to contravention of regulations applicable to controlled establishments or of undertakings by war munition volunteers. Each tribunal consists of a person appointed by the Minister sitting with two or some other even number of assessors selected from two panels constituted of persons representing respectively employers and workmen.

The Act includes a definition of the expression "strike" as:

> The cessation of work by a body of persons employed acting in combination, or a concerted refusal or a refusal under a common understanding of any number of persons employed to continue to work for an employer in consequence of a dispute, done as a means of compelling their employer or any person or body of persons employed, or to aid other workmen in compelling their employer or any person or body of persons employed, to accept or not to accept terms or conditions of or affecting employment.

Finance.—The War Loan Act[1] made further financial provision

[1] C. 55. *Manual*, Suppl. 4, p. 27.

for the conduct of the war by authorising the issue of a loan at 4½ per cent. repayable in ten years, which must be repaid in thirty years. Holders of the war loan issued in November, of consols and of annuities were afforded facilities for converting their holding into new War Loan. If in any future loan it becomes necessary to pay a higher rate of interest than 4½ per cent., the holders of the stock issued under this Act will be entitled to the higher rate. The War Loan (Trustees) Act [1] was a supplementary measure authorising trustees to borrow money so that they might avail themselves of the arrangement under the Act to convert Government securities into War Loan.

Prize Courts.—The object of the Prize Courts Act [2] is to relieve the congestion at various ports in the British Possessions owing to the detention of enemy ships with large cargoes owned by British, allied, or neutral subjects and destined for British ports. The Prize Court only had local jurisdiction, but the Act allows it to transfer the proceedings to the Prize Court at the port of destination. The Act also contains provisions intended to equalise the remuneration of officials engaged in matters of prize.

Army Act.—The Army (Amendment) Act No. 2 [3] made a series of minor amendments in the Army Act. They included a prohibition against raising money on the security of separation allowances and penalties upon persons buying military equipment, etc., from officers.

Munitions Tribunals.—Rules regulating the procedure of munitions tribunals were made on July 12.[4] Tribunals of the second class are known as local munitions tribunals. Complaints for the investigation are made in writing, and the complainant has an opportunity to appear before the tribunal. The provisions of the Summary Jurisdiction Acts apply as regards the attendance of persons and the recovery of fines otherwise than by imprisonment. Fines may be deducted from wages. No person may be represented by counsel or solicitor before local munitions tribunals.

Tribunals of the first class are known as General Munitions Tribunals. The General Munitions Tribunal may not deal with any matter within the jurisdiction of the Local Munitions Tribunal. The procedure is similar. Persons upon whom a fine of £20 or more is imposed have a right of appeal to Quarter Sessions.

[1] C. 56. *Manual*, Suppl. 4, p. 29.
[2] C. 57. *Ibid.* p. 30.
[3] C. 58. *Ibid.* p. 32.
[4] *Ibid.* p. 329.

The provisions applicable to both classes of tribunals are that all cases are to be heard in open Court, and the chairman is to consult his assessors before giving a decision. The question of costs is in the absolute discretion of the chairman.

National Register.—The object of the National Registration Act,[1] passed on July 15, was a national stock-taking with the object of bringing to the service of the State the willing and organised help of every class in the Kingdom. Its object was effected by the compulsory registration of the people of the United Kingdom and specified areas in Ireland both male and female, between the ages of fifteen and sixty-five. The registration was conducted upon similar lines to a census by local authorities under the direction of the Registrars-General and the Local Government Board. Each person was required to state the following particulars:

(*a*) Name; place of residence; age; whether single, married, or widowed; number of dependants (if any), distinguishing wife, children, and other dependants; professional occupation (if any); name and business address of employer (if any), and nature of employer's business; and (in the case of a person born abroad) nationality, if not British; and

(*b*) Whether the work on which he is employed is work for, or under any Government department;

(*c*) Whether he is skilled in and able and willing to perform any work other than the work (if any) at which he is at the time employed, and if so the nature thereof.

Supplementary provisions were included as to the notification of the change of address and other details in maintaining the register. By the instructions issued on the following day [2] for carrying out the Act, August 15 was fixed as the date upon which the forms were to be filled up and signed ready for collection.

Prohibited Exports.—Amendments were made on July 8 [3] in the list of prohibited exports, and on July 19 [4] the ports of Italy were added to those of France, Russia, Spain, and Portugal excepted from certain lists of prohibited exports. On July 28 was issued a consolidating Order in Council [5] containing a complete list of prohibited exports.

[1] C. 60. *Manual*, Suppl. 4, p. 36.
[2] *Ibid.* p. 359.
[3] *Ibid.* p. 232.
[4] *Ibid.* p. 234.
[5] *Ibid.* p. 237.

Defence of the Realm.—On July 28 a number of additions [1] were made to the Defence of the Realm Regulations. They included arrangements for the use of registered designs by Government contractors, further restrictions upon spying, the unauthorised wearing of uniforms or badges, and an extension of the provisions relating to forging and personation.

Restriction on Aliens.—Another Order in Council of the same date dealt with alien seamen. The master or a member of the crew might not land without a passport. If a vessel stays for more than twenty-four hours the master and crew are deemed to be residents in that place, and so liable to registration as aliens.

Before the adjournment on July 29 a dozen more Acts received the Royal Assent.

Finance.—The Finance Act [2] continues the income tax of 1915–16 at the same rate as that prevailing for the last four months of the year 1914–15, viz., 2*s.* 6*d.*, and also continues super-tax at double the rates imposed by the Finance Act, 1914. Amendments were made as to the assessment to income tax of life assurance companies, and there is a reduction in the income-tax relief in respect of insurance premiums. Relief is given from super-tax in the case of men on active service and to those whose incomes are diminished from circumstances due to the war. A similar relief is given from liquor licence duty where the business has been affected by Government regulation. Additional duties are imposed on immature spirits, that is, those warehoused for less than three years.

Notification of Births.—The Notification of Births Act, 1907,[3] was an adoptive measure, and had been put into force by local authorities to the extent of covering 80 per cent. of the population of the country. By an extension Act [4] its application is made universal throughout the country, and power is given to local authorities in order that they may care for expectant mothers and nursing mothers as well as the young children.

Food Supplies.—The Maintenance of Live Stock Act [5] repeals the Slaughter of Animals Act, 1914,[6] and re-enacts its provisions with

[1] *Manual*, Suppl. 4, p. 133.
[2] C. 62. *Ibid.* p. 42.
[3] See Journal, vol. ix. p. 379.
[4] Notification of Births (Extension) Act, c. 64. *Manual*, Suppl. 4, p. 54.
[5] C. 65. *Manual*, Suppl. 4, p. 56.
[6] See *Review of Legislation*, 1914, p. 21, and *supra*. p. 20.

additions. The Act enables the Board of Agriculture, by an order, to prohibit or restrict the slaughter of animals, to prohibit and restrict the sale or exposure for sale as meat of immature animals, and to deal with the sale of veal. Officers of the Board of local authorities may enter slaughter-houses to secure compliance with the Act. The Board may prohibit or restrict the movement of animals so as to prevent the evasion of an order applying to a particular area.

Cotton Contracts.—The Cotton Association (Emergency Action) Act [1] is an Act of indemnity of the action taken by the cotton associations upon the declaration of war to determine the contracts with enemies and postpone others of a doubtful character.

Trustees.—The Act [2] passed in the previous year to facilitate the execution of trusts was extended by one [3] of the Acts passed on July 29. It dealt with the powers of tenant for life under the Settled Land Acts, enacted that an executor is a trustee within the meaning of the principal Act, provided for the continuance of a power of attorney after the death of the donee, continued the power of trustees in the case of infants dying while engaged on active service, and provided that persons reported missing are to be presumed to be alive until definite news has been received of their deaths.

Customs.—By an Act [4] passed earlier in the session power was given to the customs authorities so that they could demand proofs to satisfy them that no trading with the enemy was going on. But these powers only related to goods destined for firms resident in an enemy country. Considerable business, however, was being done with many firms in China, Siam, Persia, and Morocco. The Customs (War Powers) (No. 2) Act [5] was passed so that the declaration might be extended to any goods either exported or imported in contravention of the law of trading with the enemy in the belief of the Commissioners of Customs.

Local and Personal Legislation.—Large powers are given to local authorities, statutory companies, and others under local Acts

[1] C. 69. *Manual*, p. 57.
[2] See *Review of Legislation*, 1914, p. 31.
[3] Execution of Trusts (War Facilities) Amendment Act, c. 70. *Manual*, Suppl. 4, p. 58.
[4] See *supra*, p. 20.
[5] C. 71. *Manual*, Suppl. 4, p. 59.

of Parliament to carry out works within a specified time. If an extension is required it is necessary to obtain an amending Act. Owing to the war many works could not be completed, so the special Acts (Extension of Time) Act [1] was passed to authorise the Government departments concerned to grant any necessary extension of time after being satisfied that interested parties had no objection.

Naval Discipline.—Various amendments are made in the Naval Discipline Act by Chapter 73.[2] They deal with the administration of discipline among the small vessels under the command of officers of the Royal Naval Reserve, and the trial of officers during the war, and give to the Admiralty a power similar to that possessed by the Army Council to enforce separation and affiliation orders.

Coal.—The Price of Coal (Limitation) Act [3] effected that object by fixing the price of coal at 4s. per ton above the amount charged at the pit-head on June 30, 1914. Supplementary provisions dealt with limitations upon the charges for wagon hire and the settlement of disputed points by the Board of Trade.

Elections and Registration.—The postponement of municipal and local elections for one year is authorised by the Elections and Registration Act,[4] which also provides that where casual vacancies arise they shall be filled by co-option. The Act may be applied to other elective bodies by order of the appropriate Government Department. The registration of parliamentary electors and the revision of the overseer's lists was stopped by the Act as from July 31.

Scottish Universities.—The powers of the Courts of the Scottish Universities are extended by c. 78 [5] so as to enable them to make ordinances for purposes connected with the war.

Trading with the Enemy.—By an amending Act [6] the law relating to trading with the enemy was strengthened in respect to the payment of dividends to the enemy, the notification to the custodian of bank balances, deposits or debts due to enemies, and the invalidity of assignments of debts by enemies or transfers of share in companies.

Prohibited Exports.—On July 30 [7] various additions were made to the list of prohibited exports. Bacon, cocoa, coffee, and fresh

[1] C. 72. *Manual*, Suppl. 4, p. 60.
[2] *Ibid.* p. 61.
[3] C. 75. *Ibid.* p. 65.
[4] C. 76. *Ibid.* p. 76.
[5] Scottish Universities (Emergency Powers) Act. *Manual*, Suppl. 4, p. 70.
[6] Trading with the Enemy Amendment Act, c. 79. *Manual*, Suppl. 4, p. 70.
[7] *Manual*, Suppl. 4, p. 250.

vegetables, except peas, were added to the list of goods which may not be exported to any foreign country except France, Russia, Italy, Spain, and Portugal. On August 30 [1] the export of coal was prohibited to all countries other than British Possessions and Protectorates. Further changes in the lists were made on August 12.[2]

Contraband.—By Proclamation on August 20 [3] raw cotton, cotton linters, cotton waste, and cotton yarns were declared to be absolute contraband.

Naval Pensions.—An Order in Council of August 12 fixed the amount of pensions for incapacitated sailors, and another of October 14 dealt with pensions to retired naval officers. They have since been superseded by a Royal Warrant issued under the authority of the Pensions Board.

Isle of Man.—By Order in Council dated September 14 all the Defence of the Realm Regulations were extended to the Isle of Man.

Trading with the Enemy.—A proclamation of the same date extended the definition of "enemy" to include any incorporated company or body of persons (wherever incorporated) carrying on business in an enemy country or in any territory for the time being in hostile occupation. Another, dated November 10, extended the Trading with the Enemy Proclamations to Liberia and Portuguese East Africa.

Defence of the Realm.—By an Order in Council of September 24 a series of amendments are made in the Defence of the Realm Regulations. They include a prohibition of the sale without a permit of any war material to which the Order is applied either by the Admiralty or Army Council.

Munition Workers.—S. 8 of the Munitions of War Act, 1915,[4] authorised the Minister of Munitions to make rules and in the exercise of that power rules were issued on October 9, 1915, as to the issue of war service badges. The employer is to apply to the Ministry for the number required, and he is responsible for the issue and surrender of any badge.

Patents.—By an amendment of the Defence of the Realm Regulations authorised by Order in Council dated October 14, the Comptroller-General of Patents, Designs, and Trade Marks may delay the acceptance of the complete specification of the publication

[1] *Manual*, Suppl. 4, p. 252.
[2] *Ibid.* p. 253.
[3] *Ibid.* p. 109.
[4] See *supra*, p. 20.

if the invention might be detrimental to the public safety or defence of the realm, and may prohibit application being made for its protection in any other country. Notice of an intention to apply in another country must be sent to the Comptroller-General, who may prohibit further action upon the request of the Admiralty or Army Council.

Bulgaria.—" Owing to the King of the Bulgarians, an ally of the Central Powers, being now in a state of war with the King of Serbia, our Ally, a state of war " was proclaimed on October 16 as existing with the King of the Bulgarians. An Order in Council on November 10 authorised the Prize Courts throughout the British Empire to deal with captured Bulgarian vessels.

Contraband.—All previous proclamations were repealed by a Proclamation of October 24, containing complete lists of absolute and conditional contraband.

Shipping.—An Order in Council of November 10 authorised the requisitioning by the Government of ships for the carriage of foodstuffs and of any other articles of commerce. Another prohibited carriage of cargo by any British steamship exceeding 500 tons gross tonnage registered in the United Kingdom from one foreign port to another unless exempted by licence.

Lighting Regulations.—The Order made on September 28 as to lighting in the Metropolitan Police area was supplemented by another on December 15, dealing with places outside the Metropolitan and City of London Police Districts. It embodies requirements as to the lights to be carried on vehicles, and as to lighting-up time, prohibits the use of headlights, and orders the shading of lights. Another Order of the same date regulates lights in places on the coast from Dorset to Cumberland.

2. ISLE OF MAN.

[*Contributed by* LLEWELLYN KNEALE, ESQ.]

It is perhaps as well to point out at the commencement of these Notes that the Isle of Man has a separate Legislature called the Tynwald Court; and that an Act of the Imperial Parliament does not extend to the Isle of Man, unless the Island is expressly mentioned therein.

Since the commencement of the war the Tynwald Court has passed only three Acts which come under the head of "War Legislation"; that is to say, (1) The Public Authorities' Powers Act, 1915, (2) The Acts of Tynwald Emergency Promulgation Act, 1916, and (3) The War Emergency Relief of Rates Act, 1916.

By the Public Authorities' Powers Act, 1915, certain public authorities therein named are authorised with the approval of the Tynwald Court to suspend making payments into their sinking funds until the end of the financial year after that in which the war terminates and are also authorised to extend for a period not exceeding ten years the time for repayment of borrowed moneys.

By the Acts of Tynwald Emergency Promulgation Act, 1916, Acts of Tynwald under certain circumstances come into force when the Royal Assent has been given thereto.

Previously to this Act being passed an Act of Tynwald did not come into force until after its promulgation on Tynwald Hill, which was generally on July 5 next following the date of the Royal Assent.

The War Emergency Relief of Rates Act, 1916, makes provision for the distribution and administration of all moneys which have been or may thereafter be voted by Tynwald for the purpose of making grants to certain local authorities in aid of rates and also to confer additional powers upon certain local authorities to borrow money required for the like purpose, and a Committee of the Tynwald Court is to be appointed under the provisions of the Act to hear applications from local authorities for grants in aid of rates or for leave to borrow money.

It was felt that in consequence of the war there would be difficulty in local authorities collecting the whole of their rates, and to meet any deficit caused by the non-payment of rates the Insular Government has agreed to lend or arrange for the loan of money to local authorities.

In addition to the foregoing, numerous philanthropic and benevolent funds and associations have been established, and are working in the Island for the benefit of those who are in financial stress owing to the war. None of these, however, has been constituted or in any way affected by the Manx Legislature.

In 1914 the Imperial Parliament inquired of the Manx Government if they thought any part of the Imperial War Legislation ought to be extended to the Isle of Man, and as the result of the negotia-

tions that then took place the Imperial Parliament passed the Isle of Man (War Legislation) Act, 1914,[1] whereby it is provided that His Majesty may by Order in Council extend to the Isle of Man any Act which in the opinion of His Majesty was passed for the purpose of meeting any emergency created by the present war and does not extend to the Isle of Man, and any Act so extended shall have effect accordingly subject to such adaptations as may be made by the Order for the purpose of making the Act applicable to the Isle of Man. Under this Act a considerable number of the War Legislation measures passed by the Imperial Parliament have from time to time been extended to the Isle of Man by Orders in Council.[2]

3. JERSEY.

[*Contributed by* E. T. NICOLLE, ESQ.]

1. An Act to amend the Law of 1895 which applies to the Island certain provisions of the English Criminal Law Amendment Act, 1885. This amending Act, which was sanctioned by Order in Council of March 23, 1915, provides that corporal punishment may be inflicted on any male person found guilty of certain offences under the Act of 1895. This amending Act is based on the provisions of 2 & 3 Geo. V. c. 20. (1912).

2. An Act for the protection of infants was passed by the States and sanctioned by Order in Council dated September 14, 1915. All children under seven years of age who are put out to nurse are placed under the protection of the public authority. Child nurses are to be licensed and registered, and are under the supervision of the States Medical Inspector.

II. NORTH AMERICA.

1. THE DOMINION OF CANADA.

[*Contributed by* F. H. GISBORNE, ESQ., I.S.O., K.C.]

The legislation passed by the Parliament of Canada during the Session which began on February 4, 1915, and closed on April 15, 1915, shows marked diminution both in volume and in general im-

[1] 4 & 5 Geo. V. chap. 62.

[2] See, for example, *supra*, p. 27.

portance. This is entirely due to the war, the avowed policy of the Canadian Government being to introduce as little legislation as possible and to avoid, as far as may be, controversial subjects. The financial stress has also greatly reduced the number of private Acts, as the following table will show:

	Acts incorporating new companies, etc.[1]	Amending Acts.	Acts relating to patents of invention.	Divorce Acts.
1914 . . .	21	67	7	33
1915 . . .	7	46	3	18

Divorces.—With respect to divorces it may be observed that, while with the increase of population there is a gradual growth, the numbers are somewhat erratic, as the figures for the last five years show:

1911	1912	1913	1914	1915
22	16	36	33	18

In addition to these statutory divorces there are Divorce Courts, or courts with jurisdiction in divorce cases, in the three Maritime Provinces and in British Columbia. Canadians also sometimes obtain in the United States divorces of which many are invalid under the laws of Canada. There was during the Session of 1916 a debate upon a motion brought in a second time by Mr. Northrup, K.C., M.P., having as its object the creation of divorce courts and the discontinuance of statutory divorces. The House divided on the motion, the motion being lost on a vote of 24 to 39. At the present time the Divorce Committee of the Senate, which really decides the cases, is a strong one presided over by a lawyer of eminence, and the decisions of the Committee are regarded with great respect, so that those most competent to express an opinion consider that it is unlikely that the Canadian Parliament will for some time to come create any Dominion divorce courts.

Financial Legislation.—The public legislation comprises "An Act to amend the Bank Act," under which banks are allowed to lend money to farmers for the purchase of seed grain upon the security of the crop to be grown therefrom. This legislation is intended particularly for the great prairie provinces. Farming,

[1] Most companies are incorporated by letters patent, but railway, telegraph, telephone, insurance, trust, loan, and banking companies cannot be so incorporated.

like most commercial businesses, requires capital, and the object of this Act is to supply the farmers with the necessary funds for seeding their lands. Provincial legislation has been in existence for some time, authorising such loans, but banks were not hitherto allowed to engage in this business.

War Legislation.—The peculiar situation caused by the war produced a good deal of the legislation of 1915—an amendment to the Canadian Patriotic Fund Act, 1914, to extend the beneficial operations of this Fund to Newfoundlanders and disabled officers and men; an Act increasing the Customs Duties, the increase being 5 per cent. on the British Preferential Tariff and 7½ per cent. on the others, a few special items being excepted. A special war tax was also imposed of one-fourth of 1 per cent. upon the average amount of the bank note circulation, of 1 per cent. upon the gross income of trust and loan companies, and 1 per cent. upon the net premiums paid to insurance companies other than life insurance; a tax of 1 cent on cable and telegraph messages and on railway tickets of 5 cents for tickets costing from 1 to 5 dollars and for each additional 5 dollars or fraction over 5 dollars 5 cents, 10 cents on sleeping-berths and 5 cents for parlour-car seats; on tickets for steam and other vessels 1 dollar for tickets costing over 10 dollars, 3 dollars for over 40 dollars, and 5 dollars for over 65 dollars; and a stamp duty of 2 cents each on cheques, bills of exchange and notes and on money orders, and 1 cent on letters, post cards, postal notes, patent medicines and perfumery; and of 3 cents on pint bottles of non-sparkling wine, 5 cents on quart bottles, and on larger quantities than a quart 5 cents each quart or fraction thereof; or sparkling wines the corresponding tax is 13, 25, and 25 cents. An Act was passed to make officers in the naval or military forces of Canada or any other of the naval or military forces of the Crown, and receiving pay or allowances as such, eligible for Parliament, and to prevent any deduction being made from their pecuniary indemnity as members while absent on such service. An Act was passed amending the Yukon Placer Mining Act to preserve the rights of holders of mining claims serving with the British or allied forces. A special Act authorising the payment of 100,000,000 dollars for war purposes was also passed.

Electoral Laws.—There are three Acts relating to elections in addition to an Act to correct some verbal errors in the Representa-

tion Act, 1914. The last-named Act is the one fixing the number of members and containing the boundaries of the various electoral districts. Under the Canadian Constitution each Province has representation in the House of Commons in proportion to its population, Quebec being the standard with a fixed representation of sixty-five members. The number of the members is revised after each decennial census. An inroad upon this principle was made in consequence of an address passed by the two Houses during the Session of 1915 asking that the British North America Act might be amended so that a minimum representation might be fixed for each Province, the number of members to be not less than the number of Senators. This change was due to pressure from the Maritime Provinces and particularly Prince Edward Island, a very small province with a diminishing rural population. These Provinces have lost thirteen members in the last three adjustments of the representation. The address also asked that the number of Senators for the Western Provinces might be increased. Hitherto there have been three divisions in the Senate of twenty-four Senators each, namely, one each for Ontario, Quebec, and the Maritime Provinces, and in addition three of the Western Provinces had four Senators each and one three. There will now be a fourth division made up of the four Western Provinces each with six Senators. Appended [1] is a table showing the distribution of Senators and also the variation in the number of members in the House of Commons since Confederation. In case of a deadlock in the Senate the Governor-General may appoint four or eight additional Senators, one from each division. Imperial legislation [2] has been passed as requested by this address.

A special committee of the House prepared two amendments to the election laws, one dealing with the trial of controverted election cases and one with elections. The only notable change effected by the latter Act is a provision that employers of labour are to give voters in their employ an additional hour from work to enable the employees to vote. In Canada, as in most countries, great difficulty is experienced in getting the voters to go to the polls. The keen partisans go and the corrupt voter goes, but there is a very considerable number of people who for various reasons, including indifference and a dislike for politics, fail to vote. Several remedies have

[1] *Infra*, p. 37.

[2] British North America Act, 1915, c. 45, see *supra*, p. 1.

been suggested, including penalties and disfranchisement for not voting, but there are objections to everything that has been suggested, and the extra hour is not likely to increase largely the amount of voting. In some of the Australasian States provision is made for voting by post, but it was thought that the secrecy of the ballot would not be preserved if this plan was adopted in Canada, where the standard for the number of voters to be assigned to each polling station is only two hundred.

The Act relating to controverted elections includes very important amendments. The object aimed at was to simplify procedure and do away with technical objections. The scheme of the Controverted Election Acts is as follows: Any voter or candidate can petition against an election in a form provided in the Act. This can be served upon the defendant by leaving it at an address given for that purpose in the nomination paper. A deposit of 1,000 dollars for security of costs must be made. A copy of the Voters' List or of an affidavit of the petitioner is conclusive evidence of his capacity to contest the election. Within five days of filing a petition the judge may summarily determine the sufficiency of the particulars given in the petition, and if insufficient, may give five additional days for filing additional particulars. Fifteen days after the service of petition, whether an answer has been filed or not, the case is at issue and the judge may fix the date of trial. The respondent may at any time file and serve a notice admitting the truth of the allegations made in the petition, and this will stop further costs, except in so far as the Court may award costs against the respondent for corrupt or illegal acts. Provision is made for the preliminary examination of the parties. The trial takes place before two judges of a Superior Court of the Province in which the trial is held. This has been the practice in Canada ever since 1874. In 1873 when the first Controverted Election Act was passed provision was made for the appointing of *ad hoc* judges unless the Province consented to allow the Superior Court judges to try the cases, as there was some doubt at that time whether the Dominion Parliament could add to the jurisdiction and duties of the judge of Provincial Courts. *Ad hoc* judges were appointed under the Act of 1873, and, as some, if not all, the barristers appointed were active politicians, their decisions were very much criticised, and in 1874 a new Controverted Election Act was passed, under which the jurisdiction in election cases was

vested in the judges of the Superior Courts, and this law has remained unchanged to the present day. The principal defects in the law as it stood before the amending Act of 1915 were the delay in getting a case tried, failure on account of technical defects, difficulty in effecting service of the petition, and delays due to appeals on preliminary objections. The amending Act provides a form for the petition, facilitates as above pointed out its service, does away with objections to the status of the petitioner, and provides that fifteen days after service, whether an answer is served or not, the petition shall be at issue and the judge may fix the date of trial. As soon as practicable after thirty days from the filing of the petition, if the date of trial is not fixed the clerk of the Court must apply to the judge to fix the date of trial, and if the petitioner does not appear the Court must dismiss the case. This will operate against the practice of "sawing off" (each side presenting a number of petitions and then the Party managers agreeing to drop cases on condition that other cases are similarly dropped). Provision is made for the taking of the evidence of witnesses about to leave Canada before the date of the trial. This is to obviate as far as possible the danger of witnesses disappearing on the eve of a trial. Appeals on preliminary objections are abolished, appeals only lying after the final decision of the case by the Court of first instance. Abatement by death or withdrawal of the petitioner is abolished and a new petitioner can be substituted, the security deposited to remain. In the part of the Act relating to the summary trial of corrupt practices at elections a change is made with respect to the summoning of witnesses, the letter of the previous law being too wide. A small amendment of a technical character was also made in the wording of a penalty clause.

A very large number of Canadian voters being on service at the seats of the war, the Government brought in a Bill to enable the absent soldier voters to exercise their franchise. It was, of course, very difficult to devise a satisfactory plan for effecting such an object, though the desirability of enabling the soldiers to cast their votes was conceded on all sides. The criticism was entirely directed to the question of whether a satisfactory plan for effecting it could be devised. The plan adopted is to send ballot papers to the High Commissioner for Canada in England and to the officer commanding the troops at Bermuda (there are some

Canadian troops at Bermuda). Upon receiving a cable that the writs for a general election had been issued it is the duty of these officers to distribute the ballot papers, and the special envelopes provided, in Bermuda to the officers commanding squadrons, companies and batteries, etc., and in Europe to the chief paymaster and through the latter through the Regimental Paymasters to officers commanding squadrons, etc. The voters have to swear in statutory form to their qualification and they are provided with a ballot paper and an envelope, the latter having on it the affidavit and a certificate to be signed by the officer certifying that the document contained in the envelope was written in his presence, and that he believes the statements in it are true. The ballots are marked by the voter in the presence of the officer, but so that the latter does not see how he votes. The voter places it in the envelope, the latter is closed, the officer signs the certificate and puts the envelopes in special bags, which are forwarded to the several returning officers in Canada. The envelopes are opened in the presence of the candidates; if the certificates and affidavits appear to be in proper form the votes so given are added to the ordinary poll. The ballot contains four divisions, one for a vote for a person, whose name is written in by the voter, a vote for the Government, a vote for the Opposition, and a vote for the independent candidate. If a vote is cast for any one not a candidate, or for a Party without a candidate, the vote is lost. Provision is also made for the taking of the votes of officers and men in the various military camps and bases in Canada. In this case a writ issues for such camp, and the election officer calls for claims to vote. The voters make oath as to their right to vote and a voters' list is made up from these statements. Rolls are held and returns are sent to the returning officers of the several electoral districts in which the men claimed the right to vote. The Governor in Council is to appoint six scrutineers, three on the nomination of the Prime Minister and three on the nomination of the leader of the Opposition (in Canada the leader of the Opposition has a recognised official status). One of each nomination has a right to be present when ballots and envelopes are distributed and ballots marked, and has all the rights that candidates or their representatives have under the Dominion Elections Act.

Criminal Law.—It is made an offence to assist or incite an alien

	Senators, 1916.	Senators in next Parliament.	Members of the House of Commons.					
			1876.	1872.	1882.	1892.	1903.	1914.
				(1871)	(1881)	(1891)	(1901)	(1911)
Population of Canada	—	—	—	3,485,761	4,324,810	4,833,239	5,371,315	7,206,642
Ontario	24	24	82	88	92	92	86	82
Quebec	24	24	65	65	65	65	65	65
Nova Scotia	10	10	19	21	21	20	18	16
New Brunswick	10	10	15	16	16	14	13	11
Prince Edward Island	4	4	—	—	6[4]	5	4	4
Manitoba	4	6	—	4[2]	5	7	10	15
North-West Territories	—	—	—	—	4[5]	4	10	—
Saskatchewan	4	6	—	—	—	—	10[6]	16
Alberta	4	6	—	—	—	—	7[6]	12
British Columbia	3	6	—	6[3]	6	6	7	13
Yukon Territory	—	—	—	—	—	—	1[7]	1
Total	87[1]	96	181	200	211	213	221	235

[1] Manitoba was given two Senators in 1870, another by increase of population in 1882, and a fourth in 1892. In 1887 the North-West Territories were given two Senators, in 1903 this was increased to four. On the creation of the Provinces of Saskatchewan and Alberta their Senatorial representation took the place of the N.W.T.

[2] Manitoba created a Province July 15, 1870, with four members.

[3] British Columbia entered Confederation July 20, 1871, with six members.

[4] Prince Edward Island entered the Confederation July 1, 1873, with six members.

[5] The North-West Territories were given four members in 1886, increased in 1903 to ten.

[6] Created Provinces on September 1, 1905. Before that date the North-West Territories in which these two Provinces were included had ten members.

[7] Given a member in 1902.

enemy to leave Canada unless the accused can prove that assistance to the enemy was not intended, and unless the assisting or inciting does not amount to treason. It is also made an offence to sell or deliver to the Crown any defective naval or military stores, or to commit any act of dishonesty, fraud, or deception in connection with the sale, delivery, or manufacture of such stores.

Performing dramatic, operatic, or musical works without the written consent of the owner of the copyright is made an offence; changing or suppressing the title or the name of the author or making any change in such work without the written consent of the author in order that the work may be performed for private profit is also made an offence; and the penalties for keeping bawdy houses are increased.

Railway Legislation.—Legislation relating to railways comprised an Act to confirm Government loans by the issue of Dominion Notes to aid the Canadian Northern Railway System and the Grand Trunk Pacific Railway; Acts to authorise the Crown to buy branch railways as feeders to the Intercolonial Railway System, and authorising the purchase of the lines of the New Brunswick and Prince Edward Island Railway Company from Campbelltown to Saint Leonard and from Sackville to Cape Tormentine; and an Act giving the Crown power to lease or acquire the Lake Superior Branch of the Grand Trunk Pacific Railway Company.

Miscellaneous.—An increase in the county and district judges, respectively, of the Provinces of British Columbia and Alberta; amendments to the Adulteration Act, the Canada Grain Act, the Gold and Silver Marking Act, the Inland Revenue Act, and the Winding-Up Act, of a minor character, to facilitate administration, etc., were also included in the Acts of the Session.

2. ALBERTA.

Acts passed—39; Public, 23; Local and Personal, 16.

Home Protection.—A married woman is authorised by No. 4 to file an instrument to be known as a married woman's caveat against the registration of any transfer, mortgage, encumbrance, lease, or any other instrument made by or on behalf of her husband, affecting the house and buildings occupied by her as her home. The husband may make an application to the Court for its removal.

Intestacy.—Property of intestates dying without next of kin vests in the Crown by No. 5.

Public Utilities.—By No. 6 a Public Utility Commission is appointed to have control of all bodies managing telegraphs, telephones, railways, street railways, tramways, water, gas, heat or light power, either directly or indirectly. The Board consists of three Commissioners appointed for a term of ten years, which may be renewed, together with a secretary. The Board possesses the usual comprehensive powers of such bodies for the complete control of the various authorities in the interest of the Province.

Insurance.—A comprehensive Act (No. 8) dealing with all branches of insurance repeals and re-enacts with amendments the previous legislation on the subject.

Sheep Trailing.—When five hundred or more sheep are moved for more than twenty-five miles, otherwise than to market, the owner must give notice in accordance with No. 12 of his intention to the Live Stock Commissioner. They must travel a minimum of five miles a day, and if any one enters upon private land, it may be seized by the occupier or owner and retained until any damage has been paid, if necessary by recourse to a justice of the peace to determine the amount.

Irrigation.—A comprehensive statute (No. 13) repeals all previous legislation upon the constitution and organisation of irrigation districts throughout the Province.

Relief Measures.—No. 14 incorporates an agreement made with the Dominion Government in consequence of the severe drought to distribute seed, grain, and relief other than seed grain to homesteaders on lands within the drought-stricken area.

Hail Insurance.—No. 18 provides for the co-operation between municipalities for the purpose of indemnifying persons interested in crops against damage or destruction by hail.

3. BRITISH COLUMBIA.

[*Contributed by* E. C. MAYERS, ESQ., LL.B.]

Acts passed—73; public, 67; private, 6.

War.—Chaps. iii., xxxv., xlviii form a group of statutes affording relief in special circumstances connected with the war. Chap. xxxv., intituled an Act to confer certain powers upon the Lieutenant-

Governor in Council respecting contracts relating to land, empowers the Lieutenant-Governor in Council by Proclamation to authorise any judge of any Court in the Province to postpone the time for the payment of any principal moneys due under any instrument charging land and created prior to August 4, 1914, and to stay any proceedings to enforce payment thereof; also to postpone the time for payment of any interest due as aforesaid in cases where the land charged is occupied by the debtor or any member of his family; and also to relieve against any forfeiture, and to prohibit any extra-judicial taking possession of land so charged. The Act does not prevent the ordinary proceedings being taken to enforce mortgages and other agreements relating to land, but it empowers the judge after judgment has been obtained, upon cause shown by the defendant, to stay proceedings for a given time; provision is made to prevent the discharge of sureties. The Act does not apply to obligations created by municipal by-laws, nor to debentures, bonds or stocks, nor to rent, nor to premiums of insurance or taxes, nor to interest except as above stated. The Act has been brought into force.

Chap. iii. relieves members of the naval and military forces of Great Britain and her allies from the conditions and requirements imposed by the Mineral Act and the Placer Mining Act with regard to the renewal of certificates and the doing of assessment work; and it preserves their rights to their mining leases and licences, and restores such rights where they have lapsed.

Similarly chap. xlviii. provides in respect to any agreement of sale, lease, licence, pre-emption record, or other instrument under the Coal and Petroleum Act or any other Act to which this Act may be extended by Proclamation that the Lieutenant-Governor in Council shall have power to postpone the payment of money, to remit penalties, to relieve against forfeitures, to extend the time for performance of any Act, and to renew and restore any right which has lapsed.

Agriculture.—Chap. ii. is the most important Act of the Session. It makes provision for lending money for agricultural purposes, for the incorporation of agricultural associations with and without a share capital, for district and central exchanges for the inspection of creameries, and for the constitution of a board of horticulture. The Act creates an "Agricultural Credit Commission," consisting of a superintendent and four other directors, with power to lend money

on first mortgage on unencumbered agricultural land in the Province for agricultural purposes, including the acquisition of land. The money required is to be raised by the issue of securities upon the credit of the Province, and provision is made for the establishment of a reserve and of sinking funds. The Commission has to be satisfied that the loan is justified on one or more of certain grounds set out in s. 38; no loan may be granted for less than $250 or more than $10,000 to any one borrower other than an approved association, and no loan may exceed 60 per cent. of the appraised value of the land offered as security. Provision is made for the form of security (s. 47); for the rate of interest (s. 49); and for the term of the loan (s. 48), which may be long (s. 50), short (51), for a single season (s. 52) or additional (s. 53); and for cases of default (s. 56 *et seq.*). Pre-emptors are enabled to borrow on the security of their pre-emption records (s. 62 *et seq.*). Parts II. and III. make provision for the establishment of agricultural associations, and Part V. contains a set of general clauses for their regulation and management; Part IV. enables the associations to group themselves for the purpose of forming a "District Exchange," "to develop and improve the industries of agriculture and horticulture by the introduction of improved methods" and to facilitate the marketing of produce (s. 96); the Lieutenant-Governor in Council is empowered to form a Central Exchange (s. 100).

Administration of Estates.—By chap. i. the Official Administrator is empowered to take out letters of administration to the estates of intestates when all the heirs and next of kin within the Province renounce or request his appointment.

Ambulances.—By chap. iv. employers of labour operating any mine, camp, construction work, or industry employing more than thirty persons and situate more than six miles from the office of a doctor are bound to maintain a person qualified to render first aid to the injured.

Bills of Sale.—Chap. x, an amending Act, permits affidavits required for the registration of bills of sale to be made before the solicitors of the parties, and gives power to the Court or a judge to cure any defect or irregularity in the execution or attestation of a bill of sale or in the affidavits.

Companies.—The principal Act[1] is amended by chap. xii. so

[1] Chap. lxiv. of R.S. B.C. 1911.

as to permit certain land companies to pay dividends out of capital (s. 4); to permit private companies to pass a special resolution at one meeting (s. 5); to prohibit the purchase of shares in other companies except upon an extraordinary resolution (s. 9). Power is given to a judge to permit registration under the Act of mortgages and charges after the prescribed time has expired, when such mortgages or charges have been duly registered under the Land Registry Act, and as of the date of such last-mentioned registration (s. 12).

Trust Companies.—The principal Act is amended by chap. xiii. by exempting certain extra-provincial companies from its provisions (s. 5).

Constitution.—Chap. xiv. introduces the principle of payment of the leader of the Opposition in the Legislative Assembly.

County Courts.—By chap. xv. County Courts are given power to issue garnishee orders to run throughout the Province (s. 3).

Municipal Elections.—Chap. xxi. provides a new definition of "householder"; fixes the qualifications of voters in cities and districts (s. 3, 6); provides for the close of the voters' list, and for the appeal from the Court of Revision (s. 7, 9).

Forests.—By chap. xxvii. the holders of special timber licences are given extensions of time for renewal. Chap. xxviii. provides for the substitution of licences for existing leases (s. 7), for the reinstatement of lapsed licences (s. 11), and enacts penalties for failure to prevent the spread of fires, or to assist the Fire Warden (s. 26).

Public Health.—Chap. xxx. provides for the submission to the Provisional Board of Health of the plans and specifications of any proposed system of waterworks, or of sewerage; and it prohibits the execution of any such system until the approval of the Board has been obtained.

Land Registry.—An important change is made in the law of registration by chap. xxxiii. recognising trust estates (s. 10).

Land.—The Land Act is amended by chap. xxxiv. providing for the repayment of the purchase money or for a substituted grant, when Crown grants have been issued for the same land through error.

Legal Profession.—The benchers of the Law Society are empowered by chap. xxxvi. to devote sums not exceeding ten thousand dollars for the purpose of subscription to patriotic societies.

Marriage.—Quakers and Jews are given by chap. xl. liberty to celebrate marriages according to the rites and ceremonies of their respective creeds.

Married Women's Property.—In a variety of cases where a husband is unable from lunacy, imprisonment, or otherwise, or fails to support his wife, she is given by chap. xli. the earnings of the minor children who are living with her or are in her custody.

Local Government.—The Municipal Act is amended by chap. xlvi. in several important particulars: municipalities are empowered to instal an irrigation system and to acquire water licences (s. 5); provision is made for the consolidation of debentures (s. 6): power is given to charge a rental for water, gas, or electricity, whether used or not, where the person sought to be charged is the owner of land, whether vacant or otherwise, which is connected with a water, gas, or electric system, or which, though not so connected, fronts on a street along or above which the pipes or wires of such system run (s. 7): the increase in the number of motor-cars plying for hire has given rise to provisions for their regulation (s. 9): power is given to renew Treasury certificates issued by municipalities (s. 16): the provisions authorising municipalities to borrow in anticipation of current revenue have been recast (s. 20), and the Councils have been given power to appropriate specific taxes as security for the money so borrowed (s. 21.) Provision is also made for the case of the proceeds of debentures authorised to be issued falling short of the amount authorised to be raised by giving power to issue additional debentures to supply the deficiency (s. 22).

Local Improvements.—The principal Act is amended by chap. xlvii. permitting the municipality to raise the money estimated to be required for the execution of a local improvement before it is commenced, and providing for raising the deficiency or refunding the excess, as the case may be, after the work is completed.

Rural Street-lighting.—The Lieutenant-Governor in Council is given power by chap. liv. to constitute districts outside the area of any municipality for the purpose of supplying light in the streets and highways; the power is to be exercised upon the petition of owners of land within the district who may nominate Commissioners to enter into contracts for the supply of electric light and to levy taxes for the purposes of the Act.

Succession Duties.—The Minister is empowered by chap. lviii.

to make an allowance in respect of duties payable on an estate elsewhere than in the Province (s. 3).

Water Supply.—The Minister of Lands is empowered by chap. lxv. to enter into agreements with such companies for rendering water records and licences free from forfeiture except for non-payment of fees due to the Crown; the exemption is to be for a period of twenty-one years with the right to the companies to apply for a renewal for a further period of the like extension; the water so granted is to be used solely for the purposes of the manufacture of pulp, paper and wood products, electric lighting and power.

Noxious Weeds.—The Noxious Weeds Act is recast in chap. lxvi: provision is made for enforcing the duty of destroying noxious weeds by the owners of lands upon notification by inspectors appointed under the Act; and the vending of grain, grass or other seed containing the seed of noxious weeds is prohibited.

4. MANITOBA.

Acts passed—111; Public, 95; Private—16.

Bureau of Labour.—By No. 6 a Bureau of Labour is attached to the Department of Public Works. Its duties are:

> to collect, assort, systematise and publish information and statistics relating to employment, wages and hours of labour, co-operation, strikes, lock-outs or other labour difficulties, trades unions, labour organisations, the relations between labour and capital, and other subjects of interest to working men throughout Manitoba, with such information relating to the commercial, industrial, and sanitary condition of working men, and the permanent prosperity of the industries of Manitoba, as the bureau may be able to gather.

Dairying.—The law on the subject of dairies and creameries and cheese factories is consolidated and re-enacted in No. 14. The first portion deals with the incorporation of creameries and cheese factories, the second covers the sale of milk and the manufacture of milk products, and the third enacts the provisions relating to the Manitoba Dairy Association.

Elections.—An amendment (No. 21) to the Manitoba Election Act deals with penalties for bribery and giving away intoxicating

liquor. In each case a substantial difference is made between the penalties inflicted upon residents and non-residents. In the latter case, for example, the non-resident is liable to imprisonment without the option of a fine, while the resident may be fined $200, or in default receive three months' imprisonment.

Legal Education.—By an amendment (No. 37) of the Law Society Act arrangements are made for the establishment of a Law School by co-operation between the University of Manitoba and the Law Society of Manitoba as a development of the arrangements already in force between the two for the furtherance of legal education.

By the same Act the Benchers of the Law Society are given power to disbar barristers or suspend solicitors.

Agriculture.—An Act (No. 70), somewhat similar to the Act passed in Alberta,[1] authorises municipalities to borrow money in order to procure grain and seed potatoes for distribution in districts where damage has been sustained by persons engaged in agricultural pursuits. No. 71 authorises the distribution of seed grain to the wives or other representatives of persons, being the owners of land, who are serving in the war upon acceptance of a promissory note signed on behalf of the absent owner.

Relief to Men on Active Service.—No. 88 suspends all proceedings for the enforcement of payment by men on active service or their families of debts, liabilities, and obligations, existing or future, however arising, and for the enforcement of all liens, encumbrances, or other securities, whether created before or after the coming into force of the Act, and for depriving them of the possession of any or all goods and chattels, lands and tenements during the continuance of the war. Debts for necessaries incurred after the coming into force of the Act are excepted from its operation.

5. NEW BRUNSWICK.

[*Contributed by* J. S. Henderson, Esq.]

Acts passed—public, 60; local and private, 51.

Debentures.—No. 4 enacts that debentures issued by the Province, or by any city, town, municipality, or school board, although exempt from taxation for all provincial, civic, municipal, and school purposes are not exempt from payment of succession duties.

[1] See *supra*, p. 39.

Taxation of Companies.—No. 7 imposes taxation upon insurance companies, express companies, telephone and telegraph companies, street railways, banks.

Liquor Licences.—No. 8 consolidates and amends the law respecting liquor licences. It limits the number of licences that may be granted, and prohibits sales in certain places and at certain hours. By s. 24 every licensed tavern (except in cities and towns) must contain, in addition to what may be needed for the tavern-keeper and his family, not less than five bedrooms with a suitable complement of bedding and furniture, and (except in cities and towns) suitable stabling must be provided for at least six horses. By s. 107 if a person has drunk to excess liquor supplied to him in any tavern, and if in a state of intoxication from such drinking he comes to his death by suicide, or drowning, or by perishing from cold, or by other accident, the tavern keeper is made civilly liable to the legal representatives of the deceased. Ss. 108 *et seq.* impose liabilities in the case of sales to inebriates.

Moratorium.—No. 11 authorises the Lieutenant-Governor in Council to proclaim a moratorium in case of war, invasion, riot, or insurrection, real or apprehended, and in case of any real or apprehended financial crisis.

Gift to Empire.—No. 12 provides for the issue of debentures to meet the indebtedness incurred by the Province in offering contributions to the Mother Country, and for the relief of the Belgian people on the outbreak of the European War.

Horsebreeding.—No. 18 deals with the inspection and registration of stallions.

Bees.—No. 19 is an Act for the suppression of infectious and contagious diseases among bees, and for the protection of bees.

Absconding Debtors.—No. 26 enacts that where a person indebted in the sum of $50 departs or conceals himself with intent to defraud his creditors, the latter may obtain a warrant for the attachment of the debtor's property, and, after the lapse of a certain number of days, on due notice being given, a sale of the property may be directed, unless in the meantime the debtor appears and obtains a superordeas of the warrant.

Succession Duty.—No. 27 amends and consolidates the law relating to succession duty.

Education.—No. 33 amends in certain details the Schools Act;

No. 34 amends the Act with reference to the education of the blind; No. 35 amends the Act relating to the education of deaf and deaf mute persons; and No. 36 makes provision for the purchase and sale of school books by the Province.

Motor Vehicles.—No. 43 requires the owner of every motor vehicle to register his name, address, and details of the vehicle. Sales or exchanges must be notified. Each vehicle must carry an identification mark which must be distinctly illuminated at night. The speed of those vehicles on a public highway is not to exceed what is reasonable and proper having regard to the traffic and use of the highway, or to be dangerous to the life or limb of any person, or the safety of any property. It is made *prima facie* evidence of a rate of speed greater than is reasonable and proper, if a motor vehicle is driven on a public highway, where contiguous territory is closely built up, at a greater rate than one mile in four minutes, or in any city, town, or village at a greater rate than one mile in five minutes, or outside of any city, town, or village where a clear view of the road cannot be seen for at least 200 yards at a greater rate than one mile in three minutes. Special provision is made for crossing bridges, and where persons or draught animals are approached. Chauffeurs must be licensed, and various sections deal with their liabilities.

Smoke and Noises.—No. 44 enables any city or town to make by-laws regulating or prohibiting the ringing of bells, blowing of whistles, and emission of smoke within the city or town limits.

Solemnisation of Marriages.—No. 46 validates marriages solemnised in the Provinces in good faith by persons not duly registered as authorised to solemnise marriages, and it provides for the publication of banns "in an audible voice" in some church, chapel, or other place of meeting for religious worship in the parish or parishes where the parties reside at one or more services on at least one Sunday.

Fire Accidents.—No. 54 requires provision of permanent outside stairways or ladders in hotels, and in the case of an hotel exceeding two stories in height the lessee or proprietor is required to maintain during the night a red light at the exit of each such outside stair or ladder. He shall keep the word "exit" there conspicuously displayed, and shall keep near each such exit one fire axe.

Factories.—No. 57 amends the Factories Act, 1905, in various particulars. *Inter alia* it requires persons in charge of certain kinds of steam boilers and engines to be licensed.

Coroners.—No. 58 prescribes the duty of coroners as to taking of evidence at inquests.

6. NOVA SCOTIA.

[*Contributed by the* Hon. Stuart Jenks.]

Number of Public Acts—45.

Workmen's Compensation Act.—No. 1 provides a new Workmen's Compensation Act which is to take effect on proclamation of the Lieutenant-Governor-in-Council. The Workmen's Compensation Act now in force was passed in 1910, and is similar to the English Act of 1897. The new Act is a complete departure from the old Act of 1910. It is in effect a compulsory mutual insurance act. The various industries are divided into classes, and funds are obtained by assessment on such industries. The Act is to be administered by a Board appointed by the Government. The Board has comprehensive jurisdiction over the whole subject-matter of compensation. The compensation provided by the Act is in substitution for actions at law, statutory or otherwise, by reason of any accident occurring in an employment within the scope of the Act. The compensation is by monthly payments to the dependents. In the case of death where a widow is the sole dependent, the monthly payment is $20. Where the dependents are a widow and one or more children, the monthly payment is $20 with an additional monthly payment of $5 for each child under the age of sixteen years, not exceeding in the whole $40. Where the dependents are children, the monthly payment is $10 to each child under the age of sixteen years, not exceeding in the whole $40. In case of disability the compensation is limited to 55 per cent. of the difference between the average earnings of the workman before the accident and the average amount which he is able to earn after the accident. Where the disability is permanent, the compensation is payable during the lifetime of the workman. Where temporary, it is payable so long as the disability lasts. Payments are made in such form

and in such manner as appear to the Board to be most convenient. The Board has power in its discretion to commute the payments and award a lump sum. The Act is similar in principle to that now in force in the Province of Ontario, and in some of the United States of America.

Mechanics' Lien.—The Mechanics' Lien Act was amended and consolidated. The Amendments, however, make no great change in the Act.

Town Planning.—This Act provides for the constitution of local boards in the Towns and Municipalities of the Province which have power to make Town Planning by-laws and to adopt a Town Planning scheme with a general object of securing proper sanitary conditions and conveniences, and suitable provision for traffic in connection with laying out streets and the use of land for building purposes. The Local Board has also power to acquire land by purchase or by expropriation for the purpose of carrying out the scheme.

Education.—No. 4 provides for the compulsory attendance at school of all children between the ages of six and sixteen years in cities and towns. The attendance may be at the public schools of the Province, or at private schools approved by the Board. In case of necessity, the Board has power to grant a certificate to a child over the age of thirteen years exempting such child from the provisions of this Act. Provision is made for the appointment of Truant Officers to enforce the Act.

No. 5 establishes a bureau under the administration of the Council of Public Instruction for the purchase, sale, and distribution of the school books prescribed for use in the public schools of the Province. The books are purchased by the bureau and paid for out of the Provincial Treasury.

Taxation.—No. 8 levies a special rate of one mill on the dollar on all property and income within the Province, rateable under the Assessment Act. The proceeds of such tax are paid into the Provincial Treasury as a special War Tax.

Theatres.—No. 9 establishes a Board of Censors for the Province to have power to make regulations in relation to the licensing of theatres and the supervision of the premises, and to prescribe regulations for the licensing of cinematograph operators and the censoring of films proposed to be exhibited.

The other Statutes of this Session are in the nature of amendments to existing legislation.

7. ONTARIO.

[*Contributed by* A. H. F. Lefroy, Esq., K.C.]

The volume of Ontario Statutes for 1915 contains singularly little requiring special notice. It commences with certain administrative statutes dealing with supply, including (No. 3) an Act which after reciting that "the province of Ontario has granted and intends to grant assistance in aid of the cause of Great Britain and her Allies in the war now being waged," and that "the war has already been and probably will be the cause of a considerable reduction in the ordinary revenues of Ontario," provides for the levy of a provincial war-tax of 1 mill on the dollar on all rateable property, in the municipalities and counties. The rest of the volume entirely consists of various amendments of statutes in the Revised Statutes of Ontario, 1914, few of which seem to call for mention here, and of private Acts, excepting that there is (No. 17) an *Act respecting Public Roads and Highways in Ontario*, and a *Mortgagors' and Purchasers' Relief Act* (No. 22), prohibiting the taking of proceedings under mortgages, or judgments obtained thereon, where the mortgage was executed prior to August 4, 1914, or for the forfeiture of lands or purchase money, or for the payment of the principal purchase money under contracts of sale of land, when the contract was entered into prior to that date, except by leave of a judge granted upon application as therein provided. One private Act, however, seems to deserve special notice. It is entitled *An Act to enable the Executors of the late George Taylor Fulford to make a certain gift out of his Estate for Patriotic purposes*. It recites—

> Whereas the widow and the other members of the family of the Honourable George Taylor Fulford, late of the town of Brockville, Senator, deceased, who are interested in the disposition of his estate, have expressed the desire that certain moneys should be appropriated out of the corpus of his estate for patriotic purposes in aid of the British Empire and its Allies in the present war,

the Act goes on to authorise the executors of the estate "to apply and pay over, out of the moneys of the corpus of the estate in

their hands, the sum of, or sums not exceeding in the whole, $100,000, for the purpose of assisting His Majesty's military or naval forces, including any Canadian Expeditionary Force engaged or intended or about to be engaged in the present war, by the purchase of equipment, clothing, supplies, provisions or arms, or munitions of war, or for the transportation, care and medical and hospital accommodation or attendance for the sick or wounded, or in any other manner which the executors may deem expedient for the purpose of giving such assistance."

8. PRINCE EDWARD ISLAND.

[*Contributed by* J. S. HENDERSON, ESQ.]

Acts passed—Public, 16; Local and Private, 36.

Taxation of Companies.—No. 4 imposes a tax on various companies.

Intoxicating Liquor.—No. 13 establishes a register of druggists and chemists, and it prohibits unregistered druggists from selling liquor.

Companies.—No. 14 is the Companies Act, consisting of 251 sections and various schedules. It covers the whole ground of company law.

Fox Enrolment.—No. 15 provides for a register of foxes being kept in the Department of Agriculture.

9. QUEBEC.

[*Contributed by* E. FABRE SURVEYER, ESQ., K.C.]

"Business as usual" seems to have been the motto of the Legislature of Quebec during its 1915 sittings. True it is that no companies with purely commercial objects sought incorporation, but many prayed for special powers or ratification of their acts, and several trust companies whose corporate powers were by virtue of the Trust Companies Act of 1913 threatened with forfeiture unless their operations would commence before July 1, 1915, secured, on account of the financial depression, an extension of two years. A large number of cities, towns, and villages applied for incorporation or for additional powers, and the usual number of estates secured larger or more definite powers.

On the whole, whatever loss may have been felt in the volume of work undertaken by the Quebec legislators by reason of the inactivity of commercial enterprises was probably counterbalanced by the various enactments the introduction whereof was determined by the European War.

War Legislation.—Provincial legislatures are not, like the Dominion Parliament, immediately concerned by the war. They required no special session such as was held in Ottawa in August 1914, devoted exclusively to legislation necessitated by the events which were happening in Europe.

Nevertheless such events could not fail to have some repercussion on the legislation of the Province, and they are responsible for several enactments.

(*a*) *Borrowing Powers.*—The preamble of No. 2 of the statutes of 1915 states that the Government of the Province (1) has put at the disposal of the Imperial Government 4,000,000 lbs. of cheese at the cost of $623,897·56 to assist in ensuring the subsistence of the citizens and troops during the war; (2) has given financial aid to the amount of $39,096·46 to the National Relief Committee of France; (3) has likewise given financial assistance to the amount of $25,000 to the Committee for the relief of the victims of war in Belgium; and (4) has subscribed $5,000 in aid of the Hospital of the French-Canadian parishes in Paris.

Since debentures bearing interest at 4½ per cent. to cover these and other advances amounting to $5,000,000 cannot at present be negotiated, permission is given to make short loans at 5 per cent. or less, for not more than $10,000,000, and for a term of not more than ten years.

(*b*) *Law Students on Active Service.*—The Council of the Bar of the Province of Quebec and the Board of Notaries—the notarial profession being exactly the same as in France—are by No. 60 of the Statutes empowered (1) to order that students in active service, past, present or future, in the present war, be exempted from the whole or part of the written, or from part of the oral examination; (2) to accept the time devoted to active service as years of studentship, when regular indentures of studentship have been entered into; (3) to relieve such students in whole or in part from the payment of admission fees; (4) to lessen for them the number of lectures which students are obliged to attend.

(*c*) *Contributions by Municipalities.*—Municipalities are, by No. 65 of the statutes, authorised to subscribe to the Canadian Patriotic Fund created by 5 Geo. V. (Canada) No. 8 and help the Allies in any manner whatsoever, and everything hitherto done with that end in view is ratified and confirmed.

In the case of the city of Quebec, the following payments are ratified: (1) $1,000 for premiums of insurance on the lives of soldiers domiciled in Quebec who have gone to the war; (2) $5,000 paid to the Quebec Branch of the *Comité France-Amérique* to aid the victims of the European war; and (3) $750 for five beds in the hospital of the Quebec Municipalities in Paris.

The city was also authorised to subscribe for the Quebec Home Guard a sum not exceeding $5,000.

The city of Lachine also secured ratification of the disbursements incurred by it as a contribution to the Canadian Patriotic Fund and the equipment of the two companies of soldiers, the maintenance in France of a bed in the hospital of Quebec Municipalities and in that organised by the newspaper *La Presse.*

Montreal required no such ratification, the most striking clauses in the Act amending its charter being a provision enabling it to enter joint stock companies on its voters' lists, and one authorising the employment of women as constables, police officers, or special detectives.

Successions.—Of all enactments of a permanent nature, the most important by far is No. 74, reforming the law governing the devolution of descendants' abintestate successions.

Under the law as hereinbefore existing the surviving consort only inherited when the deceased had left no relations within the twelfth degree, and being only an irregular successor, he, or she, was obliged to make an inventory, and be put into possession by the Court, under pain of damages if any heirs subsequently appeared.

Now the consort succeeds to the whole of the descendant consort's estate when there is no surviving issue, no father or mother, nephew or niece.

Should there be issue the surviving consort takes one-third and the child or children two-thirds.

Should the deceased leave no issue, but a father or mother or both, the surviving consort takes one-half and the ascendants one-half. If in that case there are, in addition, nephews or nieces in

the first degree of the deceased consort, the estate is divided into three equal parts between the surviving consort, ascendants, and collaterals.

If there is only a surviving consort on the one hand, and nephews or nieces on the other, the estate is again divided in halves.

The surviving consort's rights are subject to his renouncing any community rights he may have, or all rights in insurance policies made in his favour by the deceased consort. Again, he does not inherit when the deceased consort was not of age. He is also excluded from the succession when the deceased consort has been interdicted previous to the coming into force of the Act (March 5, 1915) and dies without having been relieved from such interdiction.

Succession Duties.—Although the decision of the Privy Council in the case of *Cotton* v. *The King* [1] merely confirmed the judgment of the Quebec Courts and the dissenting opinion of two out of six judges of the Supreme Court of Canada, it nevertheless, probably on account of the sweeping terms used by their Lordships, caused a great commotion in the Quebec Legislature. It held in effect not only that the Quebec Succession Duties Acts impose no duty upon the transmission of movable property outside the Province of Quebec, but that the taxation imposed by the Act then in force is not direct taxation within the meaning of the British North America Act, 1867, s. 92, and is consequently *ultra vires* of Provincial Legislatures.

This stirred up the legislators, and three chapters of the statutes of 1914 are devoted to these questions. No. 11 contains three enactments preceded by a number of whereases, one of which states that " the holding of the Judicial Committee was, to a large extent, based upon conditions which were non-existent," such enactments reading as follows :

1. The intent and meaning of all the Acts of the Legislature imposing succession duties was, and is, that every person to whom property or any interest therein was transmitted owing to death, should pay to the Government directly, and without having a recourse against any other person, a tax calculated upon the value of the property so transmitted.

2. There shall be no right of action for the recovery of any money heretofore or hereafter paid to the Government in respect of taxes or duties imposed by any Act of the Legislature relating to succession

[1] A.C. 1914, p. 176.

duties for the reason only that the said taxes or duties were not direct taxes.

3. This Act shall not apply to pending or decided cases.

No. 9 repealed all previous Succession Duties Acts and contained the following enactment:

The word "property" within the meaning of this section includes all property, movable or immovable, actually situated within the Province, and all debts which were owing to the deceased at the time of his death, or are payable by reason of his death, and which are either payable in the Province or are due by a debtor domiciled therein, the whole whether the deceased at the time of his death had his domicile within or without the Province.

A subsequent enactment imposes a duty upon life insurance policies.

Every heir, universal legatee, or donee in a gift in contemplation of death is personally liable for the duties due in respect of his share in the succession and for no more.

Failure to pay duty invalidates the transfer for dutiable property and subjects the party charged with the transfer to a penalty.

No. 10 is entitled "An Act respecting succession duties upon the transmission of certain movable property of persons dying domiciled within the Province."

It purports to tax "all transmissions within the Province, owing to the death of a person domiciled therein, of movable property locally situated outside the Province at the time of such death." [1]

Another chapter extends the duty to all dispositions by gratuitous title of any property whatsoever, when they have taken effect within three years from the death of the donor, save in the case of gifts *inter vivos* in a marriage contract and when the value of the gift does not exceed $1,000. In these cases, however, the validity of the disposition shall not be affected by the non-payment of the duties.

Municipal.—The legislation of 1915 is largely municipal. A municipal code has been drafted by the commission appointed under an Act passed in 1908, amended by a committee of both Houses and submitted to two special law officers to be the

[1] These laws were amended in 1915, No. 24 of the statutes of this year containing additional provisions with the same end in view.

object of a final revision including the amendments—all of which but one are of purely local interest. Several amendments to the Cities and Towns Act were also enacted, the most important of which authorise an expropriating municipality to take possession of the land on a judge's order, previous to any award or agreement.

Miscellaneous.—The following provisions in Acts passed during the last session of the Legislature may also be alluded to:

Turnpike road companies are now allowed to tax motor vehicles, such right having previously been denied to them by the Quebec Court of Appeals. Partners of members of the Legislative Assembly or Council are now forbidden to practise the legal profession before committees of such bodies for a remuneration. Agricultural societies and particularly the Dairy Association of the Province of Quebec are given additional rights. Additional obligations are imposed upon natural gas companies. Practising architects are exempted from serving as jurors. Coroners can no longer order an internal or external investigation of a body unless they first file a declaration in writing as to the necessity of such an investigation. Private detectives must first obtain permits from the Provincial Treasurer in order to exercise their calling. A cheap, quick and easy method of forming societies for the prevention of cruelty to animals is provided; and employers of labour are forbidden to deduct any part of their workmen's wages for accident or sickness insurance purposes.

Several new provisions are enacted regarding registration of real rights and registers of civil statutes. The estate of the late Joseph Bowles Learmont is authorised to make a gift to the Dominion of Canada of "Quebec House" in Westerham, Kent County, England, the birthplace and early home of Major-General James Wolfe.

10. NEWFOUNDLAND.

[*Contributed by the* Hon. W. R. Warren, K.C.]

Acts passed—Public, 23; Private, 5.

Cold Storage.—No. 3 confirms a contract made between the Government of Newfoundland and the Newfoundland-American Packing Company, Incorporated. The contract recites that the company is desirous of establishing in Newfoundland a cold storage business, including the freezing and dehydration of fish and other

products such as root products, berries, and also the canning of lobsters and smoking and canning of other fishes. The contract provides that (1) within three years from January 1, 1915, the company shall erect three cold storage plants for fresh fish and fresh fish products, each of which shall have a capacity of 500,000 lbs., (2) the Government for a period of fifteen years shall guarantee payment to the company of the amount by which the net annual profits of the company shall be less than 5 per cent. but not to exceed $25,000 in any year. The company also agrees to erect three smoke-houses, three fish-packing factories, two glue factories, and two fertiliser plants. The Government agrees to provide free sites for plants, factories, etc., timber lands to provide wood for boxes, barrels, etc., water power for operating and lighting, and to admit plant, machinery, utensils, etc., free of duty.

Fertilisers.—No. 4 confirms an agreement made between the Government and the Newfoundland Products Corporation, Ltd., providing for the manufacture of fertilisers by means of various water powers.

Local Government.—No. 6 provides for the election of a Mayor and Council of St. Johns in June 1916. Provision is made for sewerage and for houses in the city being fit for human habitation.

No. 18 provides for the making and repairing of roads in each town and for the management of the work. Each town is to have a Road Board to be elected every two years.

Patriotic Fund.—No. 7 provides for the Incorporation of the Governor, the Prime Minister and other private citizens as the "Newfoundland Patriotic Fund." The objects of the corporation are to collect, administer, and distribute the fund for the assistance, in case of need, of the wives, children, and dependent relatives of officers and men, residents of Newfoundland, who, during the present war, may be on active service with the naval and military forces of the British Empire and Great Britain's Allies. Any money contributed to these objects is vested in the corporation.

Intoxicating Liquors.—No. 9 makes provision for the taking of a plebiscite on the question of prohibiting the importation, manufacture, and sale of spirits, wines, ale, beer, and other alcoholic liquors in the Island. It is enacted that the election shall be conducted as nearly as may be as in the case of a general election, and the Election Act, 1913, is made to apply. S. 19 provides that

if the number of votes polled in the affirmative be a majority of the total number of votes polled at the election and amount to at least 40 per cent. of the total number of registered votes upon the revised list of electors 1913, the Governor in Council shall issue a proclamation prohibiting the importation, manufacture, and sale of intoxicating liquors into or in the Colony at any time after January 1, 1917.

Patents and Trade Marks.—No. 10 empowers the Governor in Council to make rules and do such things for avoiding or suspending any letters patent granted to, and the registration of any trade mark, the proprietor whereof is a subject of any State at war with His Majesty.

Naturalisation of Aliens.—No. 11 makes the naturalisation of aliens conform to the same law as is in force in the other British possessions.

Exportation of Timber.—No. 14 permits the exportation of unmanufactured timber for a period of ten years under an export duty of $1 per cord.

Bank Fishing.—No. 16 compels the owners of vessels employed in the fishery on the Banks of Newfoundland to carry certain safety appliances for the benefit of the fishermen.

III. AUSTRALASIA.

1. COMMONWEALTH OF AUSTRALIA.

The review of legislation has not been received.

2. NEW SOUTH WALES.

[*Contributed by* J. V. Macken, Esq., B.A., LL.B.]

Acts passed—69.

Emergency Legislation.—Nine Acts were passed during the year to meet the conditions arising from the war.

The Meat Supply for Imperial Uses Act (No. 6) is an Act for securing supplies of meat for the Imperial Government during the war. It is practically identical with the Queensland Act of the same name.[1]

[1] No. 2 of 1914. See Review of Legislation, 1914, p. 83.

The Commonwealth War Loan (Investment Enabling) Act authorises all corporations and trustees not expressly forbidden to invest in Government stock or securities to invest in the Commonwealth War Loan.

The Enemy Contracts Annulment Act (No. 24) provides that any party to a contract may apply to the Attorney-General for a declaration that the contract is or is not an enemy contract. Enemy contracts made before the commencement of the present war are declared to be and to have been null and void as from the commencement of the present war as regards all rights and obligations thereunder, except such rights and obligations as relate to goods which had already been delivered or acts which had already been performed at that time, or such as arise out of or in consideration for such delivery or performance. Enemy contracts made before or after the commencement of the Act during the continuance of the present war are declared null and void.

In the case of certain contracts, either party to the contract may, by notice in writing to the other party, terminate the contract as regards all rights and obligations relating to any future supply or delivery. The contracts in question are those for the sale or delivery of goods performance of which (1) is by operation of law or by the terms of the contract suspended; or (2) is, or may be, by act of party suspended; or (3) is claimed by the party against whom the notice is given to be suspended during or on account of the war. This Act is identical with the Enemy Contracts Annulment Act, 1915 (Federal), and was presumably passed by the State Parliament for more abundant caution in case there should be any question as to the power of the Federal Parliament to make such an enactment.

The Munitions Act (No. 30) empowers the Chief Commissioner for Railways and Tramways to manufacture and supply arms and munitions of war.

The Trustees (Delegation of Powers) Act (No. 31) was passed to overcome the difficulties which were arising owing to the departure of many trustees on active service. The main provisions follow the New Zealand Trustees Act, 1908. A trustee who for the time being is resident out of or temporarily absent from New South Wales may, if not expressly prohibited, by power of attorney delegate to any person residing in New South Wales all or any of

the powers, authorities, and discretions vested in him. A similar power to delegate is conferred on trustees who are about to leave New South Wales. Any delegation is not to be operative for more than two years.

The Apprentices (Amendment) Act (No. 58) protects the interests of apprentices who enlist for active service. The contract of apprenticeship is suspended whilst the apprentice is on active service and for six months afterwards. The apprentice may, during the six months, give his master notice in writing that he desires the contract of apprenticeship to revive, and the contract shall thereupon revive.

The Probate Duties War Exemption Act (No. 62) goes further than the English Death Duties (Killed in War) Act, 1914, and follows the Commonwealth Estate Duty Assessment Act, 1914. It exempts from stamp and probate duties the estate of any person killed in the present war, or who dies within twelve months of its termination from injuries received or disease contracted whilst on active service.

The Commonwealth Powers (War) Act (No. 65) was passed in pursuance of an agreement arrived at by the State Premiers and the Commonwealth Prime Minister in connection with the referenda which were to have been submitted to the electors of the Commonwealth. The Federal Labour Party coming into power soon after the outbreak of war, introduced and passed through both Houses by an absolute majority certain proposed laws for amending the constitution by extending the powers of the Commonwealth Parliament.

Writs were then issued to take the necessary referenda in the different States. But it soon became obvious that the taking of the referenda did not find favour with the community generally. The time of war was no time for discussing constitutional problems; a great number of voters who were on active service would be disfranchised; and the money that would be expended in taking the referenda might be put to better use for war purposes.

At a conference held between the Premiers of the States and the Prime Minister of the Commonwealth it was agreed that the Premiers would bring forward in the State Parliaments legislation for referring certain matters to the Federal Parliament under s. 51 (xxxvii) of the Commonwealth Constitution, and that the Federal Govern-

ment would postpone the taking of the referenda during the currency of the war. This Act was accordingly passed by the New South Wales Parliament; but the Act and the reference of powers made by it are only to remain in force until twelve months after peace is declared.

Other Legislation.—Of the remaining 60 Acts, some, no doubt, reflect the influence of the war, but are nevertheless outside the category of emergency legislation.

The White Phosphorus Matches Prohibition Act (No. 1) prohibits (*a*) the use of white phosphorus in the manufacture of matches, and (*b*) the sale of matches made with white phosphorus.

The Dairy Industry Act (No. 45) regulates the manufacture, sale, storage, transit, and export of dairy produce.

The Early Closing (Amendment) Act (No. 64) fixes the hours at which butchers' shops are to open and close.

The Meat Industry Act (No. 69) is a measure of considerable importance, which aims at the regulation and control of the meat industry in the area around Sydney. It vests in a board of three members, appointed by the Governor, the maintenance and control of abattoirs, slaughter-houses, cattle sale-yards, and meat markets.

The Public Health (Amendment) Act (No. 7) is an aftermath of the outbreak of smallpox in Sydney in 1913 and 1914. The powers of the Board of Health with regard to inspection and supervision are greatly amplified. It provides (*inter alia*) for compulsory notification by medical practitioners of tuberculosis in any proclaimed area.

The Weights and Measures Act (No. 10) makes a number of important alterations in the law relating to weights and measures. It repeats the Weights and Measures Act, 1898, which was based on the English Weights and Measures Act of 1852. No person is to sell any article enclosed in a package unless the net weight is printed on the outside; but this provision does not apply to articles weighed in the presence of the purchaser. Where the net weight or measure is incorrectly stated the seller shall be guilty of an offence against the Act. All retailers must keep a suitable weighing machine or measure where it can be easily seen by the purchaser, and, if so required by the purchaser, must weigh or measure any article sold in the presence of the purchaser. If the article is less than the due weight or measure, the seller shall be guilty of an

offence. Where any fraud is wilfully committed in using any weight, measure, or weighing or measuring instrument, the person committing such fraud shall be guilty of an offence, and the weight, measure, or instrument shall be seized. All sales of coal and firewood must be by weight, unless with the written consent of the purchaser.

The Motor Traffic Amendment Act (No. 11) makes two important changes in matters of principle. Any person who drives or uses any motor vehicle without first obtaining the consent of the owner shall be guilty of an offence under the Act. This provision is an attempt to put down the practice of taking cars for "joy-riding," and for the purpose of running them to unfrequented spots to strip them of all spare parts. Any person who procures the use of any motor-car by fraud shall be guilty of an offence. This provision was passed mainly for the protection of taxi-cab proprietors.

The Inflammable Liquid Act (No. 15) was passed to regulate the keeping, conveyance, and sale of inflammable liquids. Its main object is to bring the storage of petrol in garages under proper control. The ever-increasing quantity of petrol that was stored in tins in the garages was rightly regarded as a serious menace to surrounding buildings. The Act regulates the quantity of inflammable liquid that may be kept in registered and unregistered premises, and also the manner in which it may be stored in registered premises. For the purposes of the Act, inflammable liquid is divided into "mineral spirit" and "mineral oil." Mineral spirit is any inflammable liquid which has a true flashing point of less than 73° Fahr. Mineral oil is any inflammable liquid which has a true flashing point of not less than 73° Fahr. S. 40 prohibits the use of mineral spirit by any hairdresser.

The Local Government (Amendment) Act (No. 35) repeals s. 70 (*c*) of the Local Government Act, 1906. The latter subsection disqualified any officer on full pay or a non-commissioned officer or private in His Majesty's forces other than the citizen forces of the Commonwealth from acting as alderman or councillor of a shire or municipality.

The Finance (Taxation) Act (No. 57) increases the amount payable as income tax during 1915 by the addition of a flat rate of 3*d*. in the pound. It also reimposes a tax on motor-cars,

a tax (graduated from 10 to 25 per cent.) on all licence fees received by racing clubs and associations from bookmakers; a tax on bookmakers, and a stamp duty on betting tickets. Provision is made for the collection of the taxes by the Finance Taxation Management Act (No. 60).

The Fair Rents Act (No. 66) is an attempt to regulate the rents of dwelling-houses which are subject to a lease not exceeding three years at a rent not exceeding £156 a year. A Fair Rents Court is constituted, consisting of a stipendiary or police magistrate. Any lessor or lessee who is not in arrears may apply to the Court to have the fair rent of the dwelling-house leased by or to him determined.

The fair rent of a dwelling-house is the sum which, after deducting rates and taxes and an amount for repairs, maintenance, renewal, insurance, and depreciation, and also any amount that the Court may allow for the estimated time per year when the dwelling-house may be untenanted, will return the lessor a rate of interest on the capital value of the dwelling-house not less than that charged upon over-drafts by the Commonwealth Bank of Australia and not more than 2½ per cent. above such rate. The fair rent once fixed remains in force for three years if not otherwise provided. While it remains in force, no application may be made to vary it unless special circumstances are shown. A penalty is imposed for charging a higher rent than the rent fixed. Covenants to pay rent in excess of that determined are void. The determination of the Court is final. Any person on tendering 6*d*. may obtain from the registrar information as to the fair rent of any dwelling-house as fixed by the Court.

3. QUEENSLAND.

[*Contributed by* The Hon. Littleton E. Groom.]

Agriculture.—An Act (No. 9) was passed to amend s. 4 of the Agricultural Bank Act (Consolidated) of 1914 by limiting the period for which the trustees, other than the managing director, may be re-appointed to any period not exceeding two years.

Electoral Legislation.—The Elections Acts, 1885 to 1914, have been repealed by the Elections Act of 1915 (No. 13). While re-

enacting much of the previous law, many important amendments have been made, and the legislation brought in some respects in line with the Commonwealth electoral law.

Part II. deals with the administration of the Act.

Part III. defines the qualifications and disqualifications of electors. Every person, whether male or female, not under twenty-one years of age (*a*) (1) who being a natural-born subject has lived within the Commonwealth of Australia for a continuous period of six months, and has lived in Queensland for a continuous period of three months; or (2) who being a naturalised subject has lived within the Commonwealth of Australia for a continuous period of six months, and has lived in Queensland for a continuous period of three months, both such periods being after naturalisation; and (*b*) who has lived in an electoral district of Queensland for a continuous period of one month immediately preceding the day on which he makes his claim to be enrolled as an elector for such district; and (*c*) whose name is on the electoral roll for such district; shall be qualified as an elector under the Act (s. 9). Provision is made for the protection to soldiers on active service. Disqualifications are enacted (s. 11). The principle of one adult one vote is enacted (s. 12).

Part IV. provides the machinery for dealing with the electoral rolls on lines similar to the Commonwealth statute. S. 18 enables electoral arrangements to be made between the Commonwealth and the State. Part V. covers the nomination, polling, and conduct of elections generally. The elector votes by making a cross opposite the name of the candidate for whom he votes (s. 61). The compulsory voting sections are preserved (s. 63), as are also those enabling the elector to cast a contingent vote if he so desires (s. 65). Postal voting is permitted in the case of sickness (s. 71). Part VI. includes the sections as to the publication of results and the return of units of election. Part VII. contains various supplemental provisions and Part VIII. provides for the Elections Tribunal. The Elections Tribunal is constituted by a Judge of the Supreme Court (s. 101). The tribunal has power to inquire into (*a*) election petitions, (*b*) all questions referred to it by the Assembly respecting the validity of any election or the return of any member, (*c*) concerning the qualification or disqualification of a person returned as a member of the Assembly (s. 101). Detailed provisions are prescribed for the trial.

Income Tax.—No. 33 amends the Income Tax Act of 1902. A new definition of "absentee" is made (s. 3), and an addition made to the definition of "income derived from personal exertion." New rates of taxation have been imposed:

(i) On all income derived from personal exertion: if the total income subject to the tax does not exceed £500, 7½*d.* in each and every £; exceeds £500 and does not exceed £1,000, 9*d.* in each and every £; exceeds £1,000 and does not exceed £1,500, 12*d.* in each and every £; exceeds £1,500 and does not exceed £3,000, 15*d.* in each and every £; and exceeds £3,000, 18*d.* in each and every £. From the amount of the tax payable on the income of any taxpayer derived from agricultural or pastoral pursuits carried on by him there may be deducted the amount of the land tax paid by the taxpayer in the same year on the land on which such pursuits are carried on (s. 5).

(ii) On all income derived from the produce of property: if the total income subject to the tax does not exceed £500, 12*d.* in each and every £; exceeds £500 and does not exceed £1,000, 13½*d.* in each and every £; exceeds £1,000 and does not exceed £1,500, 15*d.* in each and every £; exceeds £1,500 and does not exceed £3,000, 18*d.* in each and every £; exceeds £3,000, 20*d.* in each and every £. A person other than a company or absentee whose total income during the year does not exceed £200 is not liable to the tax, but where the income exceeds £200, then £200 of such income shall be exempt from taxation.

(iii) On the income of all absentees: if the total income subject to the tax does not exceed £500, 12*d.* in each and every £; exceeds £500 and does not exceed £1,000, 14*d.* in each and every £; exceeds £1,000 and does not exceed £1,500, 17*d.* in each and every £; exceeds £1,500 and does not exceed £3,000, 20*d.* in each and every £; exceeds £3,000, 24*d.* in each and every £.

(iv) On the incomes of all companies not being public utility companies or monopoly companies: if the total profits do not exceed 6 per cent. on the capital, 12*d.* in each and every £1; if such profits exceed 6 per cent. and do not exceed 7 per cent., 12*d.* in each and every £ of the amount representing 6 per cent. as aforesaid; in each and every £ over that amount, 13*d.* The rate of taxation then increases progressively with the profits until the profits exceed 17 per cent., when the tax is 12*d.* in each and every £ of the

amount representing 6 per cent. as aforesaid, and 24*d.* in each and every £ over that amount.

(v) On the incomes of all public utility companies and monopoly companies: if the total profits do not exceed 6 per cent. on the capital, 12*d.* in each and every £, and then there is a progressive scale of taxation increasing with the profits until the profits exceed 17 per cent., when the tax in each and every £ of the amount representing 6 per cent. as aforesaid is 12*d.* and in each and every £ over that amount 36*d.* Public utility and monopoly companies are defined (s. 7).

Shorthand Reporting in Courts.—The Shorthand Reporters in Courts of Summary Jurisdiction Act of 1915 (No. 26) makes provision for shorthand reporters to report proceedings in Courts of Summary Jurisdiction: that is to say, (*a*) the Small Debts Court, (*b*) Court of Petty Sessions sitting for the hearing and determination of complaints and simple offences and breaches of duty under the Justices Acts, (*c*) Licensing Court, and (*d*) Warden's Court.

Labour.—The Labour Exchanges Act of 1915 (No. 6) makes provision for the establishment and regulation of State labour exchanges; for the licensing of persons keeping private employment exchanges and the regulation of the same; for the advancement from public moneys of travelling expenses to needy workers; and for the making of certain returns by employers. The functions of a State labour exchange are (*a*) to bring together intending employers and persons seeking employment; (*b*) to make known the opportunities for self-employment in the State; (*c*) to encourage wage-earners to insure themselves against distress from unemployment; and (*d*) to carry out any other duties prescribed (s. 4). Under s. 5 the Minister, or Director with the authority of the Minister, may make advances by way of loans towards meeting the expenses of persons seeking employment or requiring to travel where employment has been found for them through a State labour exchange. Such advance may be made a charge on any moneys thereafter due to the borrower as wages.

The Inspection of Machinery Act of 1915 (No. 24) and the Inspection of Scaffolding Act of 1915 (No. 25) contain elaborate machinery dealing with the respective subject matters.

The Workers' Accommodation Act of 1915 (No. 30) repeals the Shearers' and Sugar Workers' Accommodation Acts, 1905–6.

It is an Act to provide sufficient and proper accommodation for workers.

The Act applies only to buildings, structures, works, and premises used for or in connection with (*a*) construction works, (*b*) meat-works, (*c*) pastoral purposes, (*d*) sawmills, (*e*) shearing sheds, (*f*) sugar plantations, (*g*) sugar works, and (*h*) such works as the Governor in Council may from time to time by Order in Council declare, and which are within the limits of a district. Unless so declared the Act does not apply to areas within a town or city. Under special circumstances an employer may be exempted for a fixed period (s. 4). Districts may be constituted for the purpose of the Act, and inspectors appointed (s. 5). Accommodation proper and sufficient for the comfort and health of such workers as are employed and reside on the premises must be provided by employers. What is proper and sufficient accommodation is fully defined (s. 6). The duties of workers accommodated are specified (s. 7); provision is made for the inspection and regulation of the accommodation (s. 8), and for the enforcement of the provisions of the statute (ss. 10 *et seq.*).

The Trade Union Act of 1915 (No. 31) repeals the Trade Union Act of 1886. A Registrar and other officers and a certifying barrister for the purposes of the Act may be appointed (s. 6).

Any seven or more members of a trade union may, upon subscribing their names to the rules of the union and otherwise complying with the Act, register the union (s. 7). The Registrar shall not register any combination as a trade union unless in his opinion, having regard to the constitution of the combination, the principal objects of the combination are statutory objects (s. 7 [4]).

The interpretation section (s. 4) defines " statutory objects " as follows :

> The regulation of the relations between workmen and employers, or between workmen and workmen, or between employers and employers; the imposing of restrictive conditions on the conduct of any trade, calling, business, or industry; the promotion of the general and material welfare of members of trade unions, and the enforcement and defence of their rights and privileges; the assistance by federation or otherwise of kindred organisations having the like objects; also the establishment and maintenance of newspapers or political objects, if combined with all or any of the aforesaid objects; and also the provision of benefits to members of trade unions.

"Political objects" are defined:

The expenditure of money (*a*) on the payment of any expenses incurred either directly or indirectly by a candidate or prospective candidate for election to Parliament or to any public office before, during, or after the election in connection with his candidature or election, or (*b*) on the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate, or (*c*) in connection with the registration of electors or the selection of a candidate for Parliament or any public office, or (*d*) on the holding of political meetings of any kind, or on the distribution of political literature or political documents of any kind.

Detailed provisions are enacted with respect to the registration of unions (s. 7), for compliance of the rules with respect to the several matters mentioned in the first schedule and the establishment of a registered office. No certificate of registration of a trade union shall be withdrawn or cancelled except by the Registrar, and in the following cases: (i) at the request of the union; (ii) on proof to the satisfaction of the Registrar that (*a*) the certificate of registration has been obtained by fraud or mistake, or (*b*) the registration has become void under the provisions of the Act, or (*c*) the constitution of the union has been altered in such a manner that the principal objects of the Union are no longer statutory objects, or (*d*) the principal objects for which the union is actually carried on are not statutory objects, or (*e*) the union has wilfully and after notice from the Registrar violated any of the provisions of the Act, or (*f*) ceased to exist (s. 10). Any unregistered trade union may under the conditions presented at any time without registering apply for a certificate that the union is a trade union within the meaning of the Act. A certificate that it is a trade union within the meaning of the Act shall be conclusive for all purposes (s. 11). The fact that a combination has under its constitution, objects or powers other than statutory objects, shall not prevent the combination being a trade union for the purposes of the Act, so long as the combination is a trade union as defined by this Act, and shall have power to apply the funds of the union for any lawful objects or purposes for the time being authorised under its constitution (s. 13). Minors may be members of a union (s. 17). Any trade union shall have power to apply its funds for any lawful objects or purposes for the time being authorised under its constitution (s. 19). Build-

ings for trade unions may be purchased or leased (s. 20). All property of the trade union is vested in trustees (s. 21); secretaries and other officers of registered trade unions are to account (s. 22) and to furnish information and an annual statement (ss. 23–4). S. 27 provides for the dissolution of a union. S. 28 provides for a restriction of civil remedies against individuals[1] for the removal of liability for interfering with another's business. S. 30 enacts a prohibition of actions of tort against trade unions.[2] S. 36 amends s. 534 of the Criminal Code and s. 37 inserts a new clause (543A).

The Workers' Compensation Act of 1916 (No. 35) repeals the Workers' Compensation Act of 1905, the Workers' Compensation Act Amendment Act of 1909, and the Employers' Liability Acts, 1886 to 1888.

For the purpose of enabling employers to obtain from the State policies of accident insurance and for the purpose of doing all such things as are incidental or conducive to the carrying out of accident insurance, a State Accident Insurance Office shall be constituted (s. 4 [1]).

Policies of accident insurance are confined primarily to pay compensation under this Act, provided that the regulations may empower the Insurance Commissioner to issue policies covering liability in relation to compensation or damages under any other Act, or at common law or otherwise, and may prescribe all such conditions and provisions as will enable the Insurance Commissioner to effectively carry out accident insurance business under such extended policies.

The office is managed by the Insurance Commissioner (s. 4 [2]) and provision is made for the appointment of all necessary officers (sub-ss. 3–6). A State Accident Insurance Fund is created by s. 5, and a grant of £20,000 appropriated out of the Consolidated Revenue.

Each policy issued is issued on behalf of and is guaranteed by the Government of Queensland. The sums necessary to meet payments under the policies, so far as the same cannot be paid out of the State Accident Insurance Fund, are appropriated out of the Consolidated Revenue Fund, to be recouped from the Fund when moneys are available (s. 6). Power is given to the Governor in Council to approve that any company or firm or person may carry

[1] Cf. 6 Edw. VII. c. 47, ss. 1, 3.

[2] Cf. 6 Edw. VII. c. 47, s. 4, and 34 & 35 Vict. c. 31, s. 9.

on the business of accident insurance upon giving a security by the deposit of £5,000 or such less sum as the Treasurer may fix (s. 7).

It is obligatory for every employer to obtain from the Insurance Commissioner a policy of accident insurance for the full amount of the liability to pay compensation under this Act to all workers employed by him, provided that the Insurance Commissioner may, if he thinks fit, declare by notification in the *Gazette* that it shall be obligatory for every employer to insure all persons whose employment is of a casual nature, whether the employment is for the purposes of the employer's trade or business or not. This is enforced by a penalty. Moreover, upon payment of compensation by the Insurance Commissioner under this Act in respect of any injury to a worker not covered by a policy under this Act, the full amount of compensation so paid is recoverable against the employer who should have insured the worker (s. 8). Each worker who is injured by accident, whether at the place of employment or on his journey to or from such place or (being in the course of his employment or while under the employer's instructions) away from the place of employment, or his dependents in case of death of the worker, shall receive out of the State Accident Insurance Fund compensation in accordance with this Act; and, except as in this Act otherwise provided, such payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever. No compensation is payable in respect of an injury which does not disable the worker for a period of at least three days from earning the full wages for which he was employed. No compensation is payable where the injury or death is caused by an intentional self-inflicted injury (s. 9).

The Act applies to servants of the Crown (s. 10) and to seamen; in respect of accidents happening to seamen employed on Queensland ships, if the accidents arise in the course of employment and while the ships are in Queensland waters (s. 11).

S. 13 provides for the settlement of claims. Applications for compensation are allowed or rejected by the Commissioner in the first instance; but an application may be referred to an industrial referee to be heard in accordance with the regulations. His decision is final, but there may be an appeal on points of law.

S. 14 fixes the amount of compensation where death results from injury. If the worker leaves any dependents wholly dependent upon his earnings at the time of his death, the compensation payable

is a sum equal to his earnings in the employment of the same employer during the three years next preceding the injury or the sum of £300 whichever of these sums is the larger, but not exceeding in any case £600. Amounts are prescribed in case of employment for less than three years under the said employer. If the worker does not leave any such dependents, but leaves dependents partly dependent upon his earnings, such sum, not exceeding the amounts above set out, as is reasonable and proportionate to the injury to the said dependents. If he leaves no dependents, the amount payable is the reasonable expenses of medical attendance and burial not exceeding £50.

In the case of total or partial incapacity to a worker, it is provided that there shall be a weekly payment during the incapacity not exceeding 50 per cent. of his average weekly earnings, if he has been so long employed ; but if not, then for any less period during which he has been in the employment of the same employer, but such weekly payment shall not exceed £2 and the total liability in respect thereof shall not exceed £750. In no case is the worker to receive during total incapacity less than £1 per week (s. 14). Special provisions are made for seamen. The provisions in the schedule to the Act are applicable to the business of State Accident Insurance and to proceedings for and consequent upon the recovery of compensation under the Act (s. 15). Nothing in the Act affects any civil liability of the employer when the injury is caused by the personal negligence or wilful act of the employer, or of some person for whose act or default the employer is responsible, or was such as to give a right to recover compensation under the laws relating to mining. The worker has his option of proceedings ; but he is not entitled to compensation under the Act if he has obtained a judgment independently of the Act (s. 16).

It is not lawful for any employer to take money from any worker by way of deduction from wages in respect of any liability under the Act (s. 17). Provision is made for the reciprocal application of the Act outside of Queensland (s. 18), also for making regulations (s. 20).

The worker under this Act is defined as follows: any person (including a domestic servant) who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work, or otherwise, and whether the contract is expressed or implied or is oral or in writing ; but does

not include a person whose remuneration exceeds £400 a year, a person whose employment is of a casual nature and is not for the purposes of the employer's trade or business, unless he is specially insured under or is covered by a policy of accidental insurance under the Act, or a member of the police force or a contributor under the Public Service Superannuation Fund of 1912, or a member of the employer's family dwelling in his house.

Land.—The Agricultural Settlers' Relief Act of 1915 (No. 18) is an Act to afford relief to certain agricultural settlers who have suffered losses owing to bad seasons.

The Land Tax Act of 1915 (No. 34), in its general provisions, follows to some extent the legislation of the Commonwealth. The Act applies to all lands within Queensland which, whether before or after the passing of this Act, have been alienated from the Crown for an estate in fee simple. The Act does not apply to any land in process of alienation from the Crown, or which has been contracted to be so alienated, until a deed of grant in fee simple for the same has been issued (s. 7). Subject to the Act, land tax shall be levied and paid upon the unimproved value of all lands within Queensland which are owned by taxpayers, and which are not exempt from taxation under the Act (s. 8). The rate of land tax is as follows :

If the taxable value—

	In each and every £.
Is less than £500	1*d*.
£500 or over but is less than £1,000	1½*d*.
£1,000 " " £2,000	1¾*d*.
£2,000 " " £2,500	2*d*.
£2,500 " " £3,000	2¼*d*.
£3,000 " " £4,000	2½*d*.
£4,000 " " £5,000	2¾*d*.
£5,000 " " £10,000	3*d*.
£10,000 " " £20,000	3½*d*.
£20,000 " " £30,000	4*d*.
£30,000 " " £50,000	4½*d*.
£50,000 " " £60,000	5*d*.
£60,000 " " £75,000	5½*d*.
£75,000	6*d*.

And in addition—

On all undeveloped land:

in respect of the financial year begining July 1, 1915, nil;
in respect of the financial year beginning July 1, 1916, 1*d.* in each and every £ of the taxable value;
in respect of the financial year beginning July 1, 1917, 1½*d.* in each and every £ of the taxable value;
in respect of each financial year thereafter = 2*d.* in each and every £ of the taxable value.

" Undeveloped land " means all land which has not in or upon it improvements of the value of at least one-fourth of the unimproved value of the land; and in valuing improvements for this purpose, the value of all stock ordinarily depastured on the land may be taken into account as an improvement; provided that any land may in any year be exempted from the tax on undeveloped land owing to drought or other sufficient cause (s. 9). The land tax is payable upon the taxable value of all land owned by a taxpayer and not exempt from taxation.

The taxable value of all land owned by a person is (*a*) in the case of an absentee or company, the total sum of the unimproved value of each parcel of land, if such total sum exceeds £300; (*b*) in the case of an owner not being an absentee or a company, the balance of the total sum of the unimproved value of each parcel of the land after deducting the sum of £300 (s. 11). The provisions for exemptions from taxation are similar to those of the Commonwealth Act.

Mercantile.—The Enemy Contracts Amendment Act of 1915 (No. 4) follows the provisions of the Commonwealth Act.

Mining.—No. 17 amends the Mining Machinery Advances Act of 1906. No. 21 amends the Mining Act of 1898 in certain particulars. The Petroleum Act of 1915 (No. 23) declares the rights of the Crown in petroleum. The Act does not apply to mineral oil which may be extracted from coal, shale, or other rock by some industrial process. Petroleum on or below the surface of all land in Queensland, whether alienated in fee simple or not so alienated from the Crown, and if so alienated whensoever alienated, is and always has been the property of the Crown.

Patriotic Funds.—The Patriotic Funds Administration Act of 1915 (No. 36) is an Act to make provision for the due administra-

tion of Patriotic Funds raised in Queensland in connection with the war.

Practice.—The Common Law Practice Act Amendment Act of 1915 (No. 22) amends the Common Law Practice Act of 1867 in regard to actions for compensation of the families of persons killed by accident (see 27 & 28 Vict. c. 95, ss. 1, 2, and 8 Edw. VII. c. 7. s. 1).

Succession.—The Succession and Probate Duties Acts Amendment Act of 1915 (No. 12) amends the Succession and Probate Duties Acts, 1892 to 1906, by granting certain exemptions in the case of estates of deceased soldiers.

Sugar.—The Sugar Acquisition Act of 1915 ratifies and confirms a certain proclamation relating to the compulsory acquisition by the Government of raw sugar, and authorises the compulsory acquisition by the Government of other commodities.

A proclamation made on June 30, 1915, which declared that all raw sugar the product of the 1915 crop of sugar cane was to be held and kept for the disposal of His Majesty's Government, and that the property therein was to be vested in the Government, is declared to be valid and binding (s. 5 [1]).

Penal provisions are enacted (s. 2 [2]). In the event of the Act being extended to any other commodity the provisions of sub-sec. 2 shall upon the making of the proclamation by which such commodity has been acquired be applicable to every person.

S. 6 provides for the payment of the price. No remedy lies except for the value of the commodity (s. 7). The Treasurer may cause the raw sugar (or other commodity) to be refined or treated, prepared or manufactured, as may be necessary, and thereafter to be sold or disposed of (s. 8). Power is given to extend the operation of the Act to authorise the acquisition of raw sugar in any future year or any foodstuffs, commodities, goods, chattels, live stock, or things whatsoever (s. 10).

The Regulation of Sugar Cane Prices Act of 1915 (6 Geo. V. No. 5) provides for the constitution of a central sugar cane prices board and local sugar cane prices boards and for the regulation of the powers and duties of such boards. The Central Board consists of five members: (1) a District Court judge, who is chairman, (2) a cane growers' representative, (3) a millowners' representative, (4) a qualified sugar chemist, (5) a person experienced in accountancy

and audit (s. 4). The local sugar cane prices board may be constituted by the Governor in Council by Order in Council (s. 5 [1]). The Order in Council shall declare the mill and the land of the cane-growers in respect of which the local board in question is constituted (s. 5 [2]).

The local board, with respect to the lands and mill for which they have been constituted, may make an award determining the price or prices to be paid and accepted by the owner or owners of the mill and cane-growers, respectively, for sugar cane sold and taken delivery of at the mill concerned and determining all matters relating to such supply of sugar cane and payment therefor (s. 6).

An appeal lies to the Central Board against any award of a local board (s. 9). The matters are defined which the local or Central Board shall take into consideration in fixing prices (s. 12).

Trustees.—The Trustees and Executors Act Amendment Act of 1915 (No. 11) authorises trustees to invest trust funds in any Commonwealth Loan.

The Public Curator Act of 1915 (No. 14) constitutes a Public Curator and prescribes his powers and duties. The Governor in Council may appoint an officer to be called " the public curator " and an officer to be called " the deputy public curator." The office of the Public Curator shall be at Brisbane (s. 6 [1]). Branches of the office and local deputy public curators may be established at Rockhampton and Townsville (s. 6 [2]). The Public Curator shall, by and through himself and his deputies and agents, exercise and perform his powers and duties for the whole of the State (s. 6 [3]). The offices respectively of curator of intestate estates, curator in insanity, official trustee in insolvency, and principal receiver in insolvency are abolished. The former powers and duties of such officers are exercised by the Public Curator. All property vested in the curator of intestate estates, the curator in insanity, or the official trustee in insolvency are vested in the Public Curator (s. 7). The duties of accountant in insolvency are also transferred to the Public Curator (s. 7).

The Public Curator is constituted a corporation sole with perpetual succession and a seal of office. He is capable of suing and being sued, of taking, purchasing, holding, and alienating land of any tenure (s. 9). No bond is required from the Public Curator or any of his deputies (s. 13). Neither he nor his deputies shall act under

to furnish proof that the person giving the power of attorney was alive at the date of the filing of the power of attorney.

The Supreme Court Act (No. 2) (No. 2590) establishes for the period of the present war and no longer the provisions of the English Rules of Court contained in R.S.C., O. 11, rr. 1, 4, 5, 6 and 7, relating to foreign procedure in lieu of the provisions of ss. 141–5 of the Supreme Court Act, 1915.

The Execution of Instruments Act (No. 2757) is a small Act to facilitate for the period of the war and for three months thereafter the execution of instruments (*i.e.* transfers, leases, mortgages, etc.) and of powers of attorney under the Transfer of Land Act by persons engaged on war services, or other persons not so engaged but absent from Victoria for any reason connected with the war and unable to return to Victoria.

Under the Transfer of Land Act certain witnesses (a notary public, a commissioner for taking affidavits, etc., etc.) are specified as the only competent witnesses to attest instruments and powers of attorney outside of Victoria, and persons engaged on naval or military service outside Victoria were almost insuperably disabled from dealing with their land, and this Act practically suspends as to them the special attestation of instruments and powers of attorney, subject only to this—that there shall be verification to the satisfaction of the Registrar of Titles of the signatures thereto.

The Mental Treatment Act (No. 2600) will enable those who have been on military or naval service and who are suffering from mental disorder of recent origin arising from wounds, shock, disease, strain, exhaustion, or any other cause, to receive proper treatment under proper supervision without being certified as lunatics. The Governor in Council is to make regulations as to (*a*) the period for which such a person may be so received, or taken charge or care of; (*b*) the institutions or homes into or in which such a person may be received, or taken charge or care of; (*c*) the statements and notices to be furnished with respect to a person so received; (*d*) the treatment of persons so received, and their visitation, inspection, removal to other care, and discharge.

The Act is limited in its duration to the continuance of the present war and for a period of twelve months thereafter with a certain saving.

The cause and purpose of the Wheat Marketing Act (No. 2812) are told in its preamble:

> Whereas owing to the great scarcity of the means of transportation as a result of the existence of a state of war, the satisfactory marketing of the Australian wheat harvest of the season 1915–16 is endangered; And whereas the Prime Minister of the Commonwealth of Australia and certain Ministers of the Crown of the States of New South Wales, Victoria, South Australia, and Western Australia have in a conference held for the purpose outlined a proposed scheme for concerted action by the Governments of the Commonwealth and the said States for utilising on a fair basis the means of transportation available and for the marketing of the said harvest on behalf of the growers thereof, at prices based on those obtainable on the London wheat markets with certain deductions,

the Act gives authority to the Government of Victoria to join in the scheme. Power was taken to acquire all wheat in Victoria, and to arrange with banks for obtaining the means of payment.[1]

Procedure of the Courts.—The Supreme Court Act (No. 3) (No. 2778) enables the Governor in Council to alter the towns in which the Supreme Court shall be held, or to fix towns in which the Court shall be held, and substitutes the procedure of Order in Council for the address of both Houses of Parliament which was previously necessary for any such change.

The Justices Act (No. 2) (No. 2788) enables the Governor in Council to alter the towns in which Courts of General Sessions of the Peace shall be held, or to fix towns in which they shall be held, and substitutes the procedure of Order in Council for the address of both Houses of Parliament which was previously necessary for any such change. Several procedural provisions are also included—to allow a summons against persons sued as partners to be served upon any one or more of the partners, or at the principal place of business upon any person apparently not less than twenty-one years of age, and having at the time of service the control or management of the partnership business, and to allow a complainant to sue on behalf of numerous persons having the same interest, and to allow a person to be sued in a name or style other than his own name where he carries on business in that name or style—just as if it were a firm name.

[1] The scheme adopted and some of its political and economic consequences were described in the *Round Table*, March 1916.

One of the main features of the Juries Act (No. 2) (No. 2777) is to require special jurors to serve in criminal trials as common jurors. Special jurors are drawn from lists of ratepayers with property valued at £60 and over, and common jurors from ratepayers whose properties are valued at £20 and upwards. The principal Act required criminal trials to be before twelve common jurors, and an order was necessary before such a trial could be had before special jurors. Another main feature is to reduce the number of peremptory challenges allowed to a prisoner from fifteen to eight in all cases except treason or capital felonies. The provision of the principal Act permitting the supply of a copy of a jury panel to any person upon payment of a fee of 2*s*. is abolished, and no such copy is to be supplied to any member of the public. It is felt that this abolition will best preserve the purity of the administration of justice and diminish the possibility of jury "squaring."

The Act also limits the liability for service as a juror to not more than once during twelve months.

Criminal Procedure.—It was felt necessary to modify the wide immunity from cross-examination as to antecedents enjoyed in the State of Victoria by accused persons when giving evidence on oath, and to bring the law more into line with the English provisions of 61 & 62 Vict. c. 36.

Victorian law in giving the privilege to accused persons to give evidence on oath protected them, except when evidence of good character had been given, from cross-examination as to antecedents. The Crimes Act (No. 2) (No. 2789) modifies that, and enacts that if the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor or the witnesses for the prosecution, cross-examination as to antecedents is admissible, but the permission of the judges (to be applied for in the absence of the jury) must first be obtained. Another point is that it provides that the failure of an accused person to give evidence on oath is not to be made the subject of comment by the prosecution "or unless the accused person elects to make a statement not on oath, by the judge or justice." The remaining clauses closely follow the English Act cited above.

The Indeterminate Sentences Act (No. 2758) alters the machinery of the existing law without altering much of its sub-

stance. The principal Act empowers the transfer from gaol of a prisoner under a definite term of imprisonment to a reformatory prison when the Board and the Inspector-General jointly recommend to the Minister that course to be taken, and s. 2 of this amending Act now requires such recommendation to specify the reformatory prison to which such prisoner should be so transferred.

The principal Act provided for the payment out to a prisoner released on probation of the sum standing to his credit on account of his earnings in the prison. It had been found that unwise use of this money was often made by prisoners, and a practice arose for the Board to persuade the men to leave their money in the control of the Board or to open a savings bank account for them and for the Board to keep the pass-book. Some prisoners, however, demanded their money, and the Board had no legal right to retain it. Now s. 4 gives power to the Board to disburse it in such manner as it considers conducive to the welfare of such prisoner, and enacts that if, during the period of probation, he is sentenced to imprisonment the Board may forfeit such money or so much as remains in its hands, and pay the same into the Consolidated Revenue. S. 5 enables the Minister to authorise release on probation, on the recommendation of the Board, in lieu of the Governor in Council—to save the time that may be lost before an Executive Council meeting is available. Again, the Board had no power to impose conditions on release, but sub-sec. (*c*) of s. 5 says that now it shall be "subject to such conditions as to the residence and employment of such person and his regularly reporting the same, and as to his leading a sober, honest, and industrious life as are recommended by the Indeterminate Sentences Board and specified in the order."

S. 6 amends the present law requiring a probationer to report himself once in three months to a police officer, by permitting him as the Board may direct to report personally or by letter his address and occupation to the police or to such person (say a probationer officer) as the Board directs.

S. 7 removes certain doubts and difficulties experienced by the Board, *e.g.* whether a probationer who, during probation, broke any of the conditions of his release and was brought before a Court to be dealt with in respect thereof could be recommitted without a sentence being imposed, and also what was to happen to a pro-

bationer who was reconvicted, but who was likely to escape recommittal to a reformatory prison by reason of failure of the Court to make an order for such recommittal at the time of the conviction.

S. 10 empowers the Board to permit a prisoner detained in a reformatory prison to leave the prison temporarily in order to test the reform of such person, who is to be deemed to continue in the legal custody of the superintendent or matron of the prison, and who may be arrested during such leave, or after the expiration thereof (if he has not returned to the reformatory prison), on an order in writing signed by two of the members of the Board and returned to prison.

Additional power to make regulations is conferred by s. 11 on the Board as to the classification of prisoners, and as to prosecuting them for idleness, misconduct, or breach of discipline, or escaping or attempting to escape, and fixing as one of such punishments a fine to be deducted from the earnings standing to the credit of the person liable to punishment.

S. 12 puts a power of punishment into the hands of the Board, and takes it away from visiting justices, over persons not habitual criminals detained in certain reformatory prisons ; and s. 13 requires that where a person detained in a reformatory prison is sentenced by a visiting justice to a term of imprisonment in a gaol, he is to be returned to the reformatory prison on the expiry of the sentence.

S. 15 vests in the Minister a power to permit a prisoner to leave a reformatory prison temporarily to be treated at a hospital or to visit a relative believed to be dying, or for any other sufficient reason, on such terms and conditions as he may prescribe in the order of permission.

S. 16 requires Courts to take judicial notice of signatures of members of the Board.

The Default Summonses Act (No. 2771) does not affect the principle of default summonses, but mainly deals with the machinery for making the necessary orders after service. Since 1904 the well-known procedure of the default summons has been extended to Courts of Petty Sessions, and this present measure simplifies that procedure by enabling the clerks of the Courts of Petty Sessions to make the necessary consequential orders in favour of complainants against defendants who have failed, being personally served with the summons, to give notice of their intention to

defend the claim made. This reform will expedite procedure in the larger centres, and will obviate the necessity and expense of police magistrates attending county towns to make the necessary orders in undefended default summons cases. It fixes twenty-one days as the time within which an application to set aside the order may be made, and it provides for the service of a default summons upon a body corporate being made in the manner provided by any Act of Parliament relating to such body corporate.

Public Health.—The Health Act (No. 2) (No. 2810) is an amending Act. Its chief provision is, in s. 5, empowering the Minister, in any case of emergency or sudden necessity of which he is to be the sole judge, to authorise the Chairman of the Board of Public Health for the purpose of checking or preventing the spread of any dangerous infectious or contagious disease to exercise as to any district or part thereof any of the following powers:

1. To declare any land, building, or thing to be insanitary, and to forbid any insanitary building to be used or occupied;
2. To cause any insanitary building to be pulled down and the timber and other materials to be destroyed or otherwise disposed of;
3. To cause insanitary or infected things to be destroyed or otherwise disposed of;
4. To cause animals (including insects) infected or suspected of being or liable to be infected, or to convey infection, to be destroyed in such manner as he thinks fit;
5. To require persons to report themselves or submit themselves for medical examination;
6. To order persons, places, houses, premises, buildings, ships, animals and things to be isolated or disinfected;
7. To forbid persons, ships, animals, or things to come or be brought to any port or place in a district from any port or place which is, or is supposed to be, infected with any dangerous infectious or contagious disease;
8. To forbid persons to leave the district or place in which they are isolated until they have been medically examined and found to be free from dangerous infectious or contagious disease, and to enforce the return of any person who unlawfully leaves such district or place;
9. To regulate the control and directions of ships from infected

ports or places while such ships are in Victorian waters, and the discharges and treatment of the cargo thereof;

10. To cause vessels and ships to be fumigated and to require or undertake the destruction of rats in vessels and ships;
11. To forbid the removal of animals or things from any district or part thereof to another, or from the place where they are isolated;
12. To cause places, houses, buildings, animals, and things to be inspected and examined;
13. To order owners and occupiers to destroy all rodents on their premises;
14. To require watercourses and the sources of water supply to be purified;
15. To forbid the discharge of any sewage or drainage or any matter of any description detrimental or likely to become detrimental to health into any watercourse, stream, lake, or source of water supply;
16. To require the effectual cleansing of streets and public ways and places by those entrusted by law with their care and management;
17. With the approval of the Minister to use as a temporary site for a special hospital or place of isolation any reserve or endowment suitable for the purpose, notwithstanding that such use may conflict with any trusts, enactment, or condition affecting the reserve or endowment.
18. To exercise any other power conferred upon him by the Governor in Council for the purpose of more effectually carrying out the provisions of the Health Acts.

In the event of any council, person, or body of persons, or in the case of a ship the owner thereof, or agent thereof, refusing or neglecting to comply with any of the orders or requirements of the Chairman under paragraphs 10, 13, 14, 15, or 16, the Chairman is empowered to cause the work to be done at the expense of such body or person.

This section will enable the Minister to supersede the slower action of the municipal councils and their health officers and to take drastic steps when necessary in the interests of the health of the community.

The Act also gives further powers to the Board of Public Health

to shut up streets, and prevent the ingress, egress, or regress of persons to or from any houses ; also, *inter alia*, it permits regulations to be made by the Board for the isolation and treatment of "carriers" and "contacts," and for requiring them to report themselves and submit themselves to medical examination, and for prescribing the clinical, chemical, bacteriological, and other examinations necessary to ascertain whether any person is suffering from a dangerous infectious or contagious disease, and whether any person who has been suffering from any such disease has ceased to be liable to convey infection. It defines "carrier" as a person having in his nose or throat or in his excretions or discharges germs of any dangerous infectious or contagious disease, although presenting no sign or symptoms of disease. It defines "contact" as a person who, within the previous twenty-one days, has been in contact with or in close proximity to a person suffering from a dangerous infectious or contagious disease, or in any place specified under the provisions of s. 176 of the principal Act, or in any house, tenement, or premises where there has been within the previous twenty-one days a person suffering from a dangerous infectious or contagious disease.

Another matter dealt with in this Act is that of food, drugs, etc. The Foods Standards Committee is given power to require that there shall be legibly and durably printed, stencilled, impressed, or marked on or attached to every package of any article of food packed or enclosed for sale a label or tag or statement indicating :

(*a*) the trade name or description of such article ;
(*b*) the net weight or number or true measure or volume of the contents of such package ;
(*c*) the name and address of the vendor or maker thereof, or his agent, or of the owner of the rights of manufacture thereof ;
(*d*) the place of manufacture or country of origin of such article ;
(*e*) whether the contents of the package are compounded, imitated, mixed or blended ;
(*f*) whether in such article any substance used in the preservation thereof is present, and if so the nature and quantity or proportion of such substance ;
(*g*) whether any colour or flavouring is present in such article, and if so the nature of such colouring or flavouring.

ports or places while such ships are in Victorian waters, and the discharges and treatment of the cargo thereof;

10. To cause vessels and ships to be fumigated and to require or undertake the destruction of rats in vessels and ships;
11. To forbid the removal of animals or things from any district or part thereof to another, or from the place where they are isolated;
12. To cause places, houses, buildings, animals, and things to be inspected and examined;
13. To order owners and occupiers to destroy all rodents on their premises;
14. To require watercourses and the sources of water supply to be purified;
15. To forbid the discharge of any sewage or drainage or any matter of any description detrimental or likely to become detrimental to health into any watercourse, stream, lake, or source of water supply;
16. To require the effectual cleansing of streets and public ways and places by those entrusted by law with their care and management;
17. With the approval of the Minister to use as a temporary site for a special hospital or place of isolation any reserve or endowment suitable for the purpose, notwithstanding that such use may conflict with any trusts, enactment, or condition affecting the reserve or endowment.
18. To exercise any other power conferred upon him by the Governor in Council for the purpose of more effectually carrying out the provisions of the Health Acts.

In the event of any council, person, or body of persons, or in the case of a ship the owner thereof, or agent thereof, refusing or neglecting to comply with any of the orders or requirements of the Chairman under paragraphs 10, 13, 14, 15, or 16, the Chairman is empowered to cause the work to be done at the expense of such body or person.

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(*a*) the trade name or description of such article ;
(*b*) the net weight or number or true measure or volume of the contents of such package ;
(*c*) the name and address of the vendor or maker thereof, or his agent, or of the owner of the rights of manufacture thereof ;
(*d*) the place of manufacture or country of origin of such article ;
(*e*) whether the contents of the package are compounded, imitated, mixed or blended ;
(*f*) whether in such article any substance used in the preservation thereof is present, and if so the nature and quantity or proportion of such substance ;
(*g*) whether any colour or flavouring is present in such article, and if so the nature of such colouring or flavouring.

These particulars are to be printed on a portion of the label, and in a position equally prominent with that of the name of the article of food and the name of the vendor or manufacturer, or his agent, and they are to be of such size in lettering and of such colour as may be prescribed.

Power is given, too, to the Foods Standards Committee to prescribe by regulation (*a*) that any package of any article of food specified shall contain a specified weight or number or true measure or volume of the contents thereof; and (*b*) that any package containing any drug specified therein, or any compound or mixture containing any such specified drug, shall bear a label containing—

(1) the name of the drug and the quantity or proportion thereof in any such package or compound or mixture; and

(2) the name and address of the vendor or maker thereof, or of the agent therefor, or of the owner of the rights of manufacture thereof.

Marriage.—The Marriage (Facilities) Act (No. 2775) applies where a marriage is intended between a British subject resident in the United Kingdom and a British subject resident in Victoria. If the marriage is to be celebrated in Victoria, a certificate of the publication of banns or of notice issued in accordance with the law in that part of the United Kingdom in which a person is resident may take the place of the notice required by Victorian law. If the marriage is to be celebrated in the United Kingdom, a certificate of notice in Victoria may be issued by the Government Statist, presumably for such recognition as the law of the United Kingdom may give it.

Midwives.—To prevent women who are incompetent from practising the profession of midwives is the object of the Midwives Act (No. 2773).

A Midwives Board is established (s. 4). Its duties and powers are: (*a*) with the approval of the Governor in Council to make regulations—

(i) regulating their own proceedings;

(ii) regulating the issue of certificates and the conditions of admission to the register of midwives;

(iii) regulating the course of training and the conduct of examinations and the remuneration of examiners;

(iv) regulating the admission to the register of women already in practice as midwives;

(v) regulating, supervising, and restricting within due limits the emergencies in which a midwife shall call in a medical practitioner to her assistance and the scale of fees to be paid to such medical practitioner in such cases;

(vi) deciding the conditions under which midwives may be suspended from practice;

(vii) prescribing the particulars to be contained in any notice required to be given under the Act by a midwife; and

(viii) prescribing the fees to be paid for examinations, certification, and registration;

(*b*) to appoint examiners; (*c*) to fix times and places for examinations; (*d*) to publish annually the register of midwives duly registered under this Act; (*e*) to decide upon the removal from the register of the name of any midwife for disobeying the regulations or for other misconduct, and also to decide upon the restoration to the register of any name of any midwife so removed; (*f*) to issue and cancel certificates.

A register of midwives is to be kept by the Board. The name "midwife" is not to be taken by any woman not registered under a penalty of £20, and no man (other than a medical practitioner) and no unregistered woman shall for gain attend women in childbirth except when rendering assistance in a case of emergency (s. 10).

The Act does not allow registration of any woman under the age of twenty-three years, nor allow a woman registered under the Act to employ as her substitute an unregistered person (s. 12).

Registration as a midwife is not to confer any right to be registered under the Medical Act, 1915, or to assume any name, title, addition, description, or designation implying recognition by law to practise as a medical practitioner or authority to grant any medical certificate or any certificate or death or of still-birth or to undertake the charge of cases of abnormality or disease in connection with parturition (s. 13).

The qualifications for registration are, in addition to good character, that the woman shall hold a certificate in midwifery from the Women's Hospital, Melbourne, or such other certificate as is approved by the Board; or within two years from the commencement of the Act produces evidence satisfactory to the Board

that she had been for at least two years within Victoria or Australia or New Zealand in *bona fide* practice as a midwife (s. 14). The Act provides, too—in s. 15—for the reciprocal treatment of midwives registered elsewhere in His Majesty's Dominions. Provision is made, too, as to fees payable, and as to notice being given upon suspension from practice or removal from the register, and provides a right of appeal from the Board to a police magistrate, whose decision is to be final.

The Board has power given to it to suspend temporarily a midwife from practice to prevent the spread of infection, and to pay her compensation for her loss of practice in the circumstances (s. 20).

A woman registered under the Act shall (*a*) before holding herself out as a practising midwife or commencing to practise as a midwife in any place, give notice in writing of her intention so to do, together with her address, to the Board; (*b*) give a like notice in the month of December in every year thereafter during which she continues to practise in such place; (*c*) give a like notice within three days after any change of her address (s. 21).

The Act also provides—in s. 26—that in case of an emergency as defined in the regulations, (*a*) a midwife shall call into her assistance a medical practitioner, and (*b*) the Board shall pay to such medical practitioner a sufficient fee according to the prescribed scale, and the medical practitioner in his claim to the Board has to state the nature of the emergency, and the midwife is also required to report forthwith to the Board each case of emergency and its nature and the name of the medical practitioner whom she called in, and power is given to the Board to recover the fee from the patient or her husband or other person liable, unless such person is unable by reason of poverty or ill health to pay it. The Board is empowered finally to publish from time to time reports and advice concerning the preservation of infant life, and required to present an annual report to the Minister.

Unauthorised Documents.—The Unauthorised Documents Act (No. 2593) prohibits under penalty the issuing or sending without previous written authority of any document bearing the Royal Arms or those of any part of the King's Dominions, or any imitation thereof calculated to deceive; and also prohibits the issue or sending of any document resembling the process of any Court.

Sale of Tobacco.—The Tobacco Sellers Act (No. 2797) requires all

sellers of tobacco and snuff to be registered. Registration may be cancelled on conviction for any indictable offence, or for any offence under Part III. of the Police Offences Act, 1915, *i.e.* for any offence against the lottery and gambling laws.

Tramway Board.—The Tramway Board Act (No. 2818) is an Act to make temporary provision for the control and maintenance of the Melbourne tramways. The lease under which the tramways had been worked by a company had just expired, and there were sharp divisions of opinion as to the authority which should control in the future—the State (which is the owner of the railways), a "Greater Melbourne Council" embracing the existing municipalities and their miscellaneous functions, or an authority based on the existing municipalities and established *ad hoc*. The time was not opportune for settling these questions; but some temporary provision had to be made. The course taken was to constitute a Board of five members in which the tramway undertaking is vested, and which assumes the management of the service. It may be noted that s. 21 of the Act requires that every contract entered into by the Board for the execution of work or the furnishing of materials shall (*a*) contain a condition for the payment of the recognised standard rate of wages, and (*b*) specify that in obtaining goods, etc., for the service of the Board a "substantial and effective preference" shall be given to goods, etc., produced in Australia, or "if goods, machinery, or material manufactured or produced in the said Commonwealth cannot be purchased or obtained or can only be purchased or obtained in insufficient quantities or within an unreasonable time or of a quality unsuitable for the work or at an unreasonable price—to goods, machinery, or material manufactured or produced in the United Kingdom of Great Britain and Ireland or any part of the King's Dominions, as against those of foreign manufacture."

7. WESTERN AUSTRALIA.

[*Contributed by* F. L. Stow, Esq., LL.D.]

Timber.—No. 3 of 1915 amends the Land Act, 1898, so as to vest the administration of the part relating to timber in another Minister, the intention being that this part should in general be under the control of the Minister of Mines.

Foodstuffs.—No. 5 is the Grain and Foodstuffs Act and provides for the creation of a Board which shall have power to acquire all or any quantity of any grain and foodstuffs now or hereafter within the State, except grain or foodstuffs hereafter imported into the State. The Board is empowered to purchase the grain or foodstuffs compulsorily at a price to be agreed on, or in default of agreement to be fixed by the Commission appointed under the Control of Trade in War Time Act.

The Board is given a wide power of searching any premises where any grain or foodstuffs may be supposed to be.

In case any grain compulsorily acquired by the Board is in the custody of any person who is under contract to deliver it to another person the contract is discharged, but without prejudice to the right of such other person to the price of the grain or foodstuffs.

The Act is to be in force till September 30, 1915, only.

War Legislation.—No. 12 is a war measure and provides that any public servant who at any time has been a natural-born subject of a power at war with the United Kingdom or is the child of any such person, notwithstanding that he himself is a naturalised or natural-born subject of the King, shall hold his office at the will of the Crown.

No. 18 is a war measure and provides that no person absent from the Commonwealth on active service or as a prisoner of war shall, whilst such service or imprisonment continues, be subject, under any law of this State, to any discrimination or disability which would not be equally applicable to him if he were not so absent.

Maximum Prices.—No. 22 amends the Control of Trade in War Time Act and enables the Commission under that Act to fix and declare different maximum prices according to differences in quality or description of the necessaries of life or of the quantity sold, and fix and declare different maximum prices for different parts of the State and to vary any price previously fixed. Penalties are imposed on persons selling necessaries at a higher figure than that fixed by the Commission, and power is given to seize necessary commodities withheld from sale.

Children's Courts.—No. 23 amends the State Children Act, 1907, and gives power to appoint females to officiate on the Bench in children's courts.

Companies.—No. 24 amends the Dividend Duties Act, 1902, and

imposes on the profits of companies carrying on business wholly in the State such duties as were formerly imposed on dividends.

Industries Assistance.—No. 27 establishes another board—the Industries Assistance Board. The purpose of the Act is to enable seed, wheat, and other commodities to be supplied to settlers and advances to be made by the Government to persons engaged in farming or other industries.

The Colonial Treasurer is authorised to supply settlers with seed wheat, fertilisers, and other things, to make advances to enable settlers to pay for agistment of cattle, etc., and to advance money for payment of Government rents and other moneys due to the Government and charged on land; but the power to grant such assistance terminates on March 31, 1916.

Application for assistance must be made to the Board and assistance is granted on the Board's recommendation.

Any person to whom assistance is granted must sign an acknowledgment in a statutory form, and the amount or value of the assistance granted is a first charge on his lands.

The Act makes provision for keeping a register of the persons assisted, and such register is open to inspection by the public.

S. 23 of the Act enables farmers who have made forward contracts for the sale of wheat to obtain relief from the contract when by reason of the failure of crops they are unable to fulfil the contract.

The Act also empowers the Colonial Treasurer to make advances for the assistance of those engaged in mining and other industries.

Lunacy.—No. 28 amends the Lunacy Act, 1903, in various matters of detail. The most important matter dealt with is the prevention of lunatics being released owing to informalities in warrants of commitment. The Act empowers the Court to order that a person who is in fact insane and a fit subject for detention may be detained notwithstanding any irregularity in the warrant under which he is held.

Electricity.—No. 29 vests in and imposes on the Commissioner of Railways the powers and liabilities of the Government under the Electric Light and Power Agreement Act, 1913. That Act validated an agreement between the Government and the Perth Corporation whereby the Government undertook to establish a central power station for the supply of electric light and power in and around Perth. This Act makes the Commissioner of Railways the autho-

rity for carrying out the obligations of the Government and also confers on the Commissioner a general power, subject to certain restrictions, to establish electric works and to exercise necessary incidental powers.

8. PAPUA.

[*Contributed by the* HON. LITTLETON E. GROOM.]

During the year 1915 only eleven Ordinances were enacted in the Territory and of these several were solely for the appropriation of moneys.

Succession Duties.—Ordinance No. 4 inserts a new clause in the Succession Duties Ordinance, 1913, providing that " no duty shall be leviable in the Territory in respect of property situate in the United Kingdom when passing on death," also " for the purpose of s. 20 of the Finance Act, 1894,[1] the local situation in the United Kingdom of any property shall be determined in accordance with the law of England."

Public Entertainments.—The Places of Public Entertainment Ordinance, 1915 (No. 5), defines places of public entertainment, and empowers the Lieutenant-Governor to make regulations with respect to (*a*) their situation, form, and construction; (*b*) their licensing and inspection and fees therefor; (*c*) their conduct and management; (*d*) the prohibition of the admission of natives thereto, or the conditions under which natives may be admitted thereto; (*e*) the terms and conditions upon which exhibitions of any kind may be advertised or carried on. Provision is made for the imposition of penalties for breaches.

Customs.—The Customs Tariff, 1915 (Ordinance No. 6), provides that the Customs Ordinance of 1909 (No. 24) and the Customs Ordinance, 1913 (No. 16), shall be incorporated and read as one with this Ordinance; and repeals Ordinance No. 3 of 1889 (unrepealed portion), No. 3 of 1903, No. 4 of 1909, No. 9 of 1910 (unrepealed portion), No. 21 of 1911. This Ordinance imposes customs duties, as specified in the schedule, upon ales, spirits, and beverages (Div. 1), tobacco and manufactures thereof (Div. 2), agricultural products and groceries (Div. 3), textiles, felts and furs and manu-

[1] 57 & 58 Vict. c. 30.

factures thereof, and attire (Div. 4), metals and machinery (Div. 5), oils, paints, and varnishes (Div. 6), earthenware, cement, china, glass and stone (Div. 7), drugs and chemicals (Div. 8), wood, wicker, and cane (Div. 9), jewellery and fancy goods (Div. 10), leather and rubber (Div. 11), paper and stationery (Div. 12), miscellaneous (Div. 13).

Emergency Legislation.—The War Precautions Ordinance, 1915 (No. 9), is in its provisions similar to the Commonwealth War Precautions Act, 1914–15.

Pearl Fisheries.—The Pearl, Pearl-shell, and Bêche-de-mer Ordinance, 1915 (No. 10), amends the principal Ordinance. It defines anew the persons who are prohibited from holding pearl-buyers' licences. It makes it unlawful for any native to hold a pearl-buyer's licence.

Probate.—The Probate and Administration Ordinance, 1915 (No. 11), inserts two new sections in the principal Ordinance. It makes provision to allow the rules of insolvency to prevail in the administration of the assets of certain estates. (At the time of writing this Ordinance was in the hands of the Attorney-General for examination and for the usual certificate before being submitted for Executive approval.)

9. NEW ZEALAND.

[*Contributed by* James Christie, Esq., LL.M.]

Acts passed—Public and General, 85; Local and Personal, 17; Private, 2.

Of the Acts passed by the General Assembly of New Zealand during its last Session of Parliament (extending from June 24, 1915, to October 12, 1915), a very considerable proportion has reference (either directly or indirectly) to the present state of war. In addition to the enactments specially devoted to matters connected with the war there are also provisions to be found in the Finance Act, the Land Laws Amendment Act, the Marriage Amendment Act, and the Appropriation Act due to it. The Cost of Living Act (providing, *inter alia*, for the establishment of a Board of Trade) would perhaps not have been passed had not the extraordinary economic conditions occasioned by the war obliged

Parliament to endeavour to keep within bounds the steadily increasing cost of living.

Leave for Active Service.—The Suspension of Disqualification During War Act (No. 2) preserves the right of members of the Legislative Council or of the House of Representatives to continue to hold office notwithstanding that they may enlist in or be appointed to any office in His Majesty's naval or military forces for service beyond New Zealand. The Act further declares that such service shall not during its continuance render any person incapable of being appointed as a member of the Legislative Council or of being elected a member of the House of Representatives.

Finance.—S. 5 of the Public Revenues Amendment Act (No. 4) authorises the Minister of Finance to borrow, on the security of the public revenues, a sum not exceeding £10,000,000 for the purposes of the present war.

The New Zealand Loans Amendment Act (No. 20) modifies to a considerable extent the formalities of the procedure for the issue in New Zealand of securities charged upon the public revenues. S. 4 exempts the holder of such securities from income tax in respect of the interest derived therefrom.

The Public Revenues Amendment Act, 1915 (No. 2) (1915, No. 21), *inter alia*, provides for the establishment of a special sinking fund for the redemption of loans raised for purposes of the war.

The Finance Act, 1915 (No. 39), comprises all the special legislation passed with a view to increasing the public revenues for the purpose of meeting the extra demands occasioned by the war. It is divided into seven Parts.

Part I (Land Tax and Income Tax) contains the annual taxing proposals. The tax is assessed at the same rates as formerly, but a supertax of 33⅓ per cent. is added to the income tax. Income tax is also made payable for the first time in respect of income derived from the use or occupation of land.

Part II. (Customs Duties) amends the tariff generally by way of increasing the several rates of duties payable on imported goods. In addition, an extra duty of 1 per cent. *ad valorem* is imposed on all goods (with certain limited exceptions) imported into New Zealand after the commencement of the Act.

S. 28 contains authority for imposing a surtax of 50 per cent.

ad valorem on goods that may hereafter be imported into New Zealand, being the produce or manufacture of any country that is now at war with His Majesty.

Part III. (Beer Duty) repeals the Beer Duty Act, 1908, and makes new provisions for the imposition and collection of duty in respect of beer manufactured in New Zealand. Under the repealed Act duty was assessed on the quantity of beer after the process of manufacture was completed; under the new system the duty is assessed on the beer before it is pitched for fermentation. The rate of duty varies with the specific gravity of the worts: the heavier the quality of beer produced, the higher the rate of duty to be imposed.

Part IV. (Stamp Duties) is designed to increase the public revenue produced by way of stamp duty on documents. It also makes several other important amendments of the law intended to increase the revenue. In particular—

(1) It imposes on agreements for the sale and purchase of land the same *ad valorem* duty as is payable on actual conveyances of land. It is provided, however, that where the land is actually conveyed or transferred in accordance with the agreement, a nominal duty of 1*s.* only is payable on the conveyance or transfer.

(2) It also imposes a duty (expressed to be payable by the mortgagee) on mortgages, to the extent of 5*s.* for every £100 of principal money secured by the mortgage.

(3) A duty at the rate of 1 per cent. is imposed on the amount of all stakes won in respect of horse-racing in New Zealand; and a further duty of 6*d.* in the pound is made payable on all totalisator dividends.

Part V. (Death Duties) amends in various details the provisions of the Death Duties Act, 1909. S. 93 makes provision for very considerable exemptions from duty in respect of the estates of deceased soldiers, so far as any such estate is acquired by the wife or by a lineal ancestor or descendant of the deceased.

Part VI. (Aid to Public Works) provides for the raising of a loan of £2,000,000 for purposes of local public works.

Part VII. (Railway Charges) provides for the variation of contracts of carriage in consequence of a recent increase in railway and wharfage charges.

War Regulations.—S. 2 of the War Regulations Amendment Act (No. 5) reads as follows:

> All regulations heretofore made by the Governor in Council under the principal Act [1] shall for all purposes whatever be deemed as from the making thereof to have been made with full power and authority, and to be and to have been valid and of full effect accordingly.

The Act further provides for the admission in prosecutions under the principal Act of such evidence as the Court thinks fit, whether such evidence would be legally admissible in other proceedings or not.

Statute Law Revision.—The Statutes Compilation Act, 1908, provides for the compilation by the Solicitor-General of any Act and its amendments, on a resolution directing such compilation to be made being passed by both Houses of the General Assembly. The Act directs the Solicitor-General to prepare the compilation and transmit it to the Clerk of Parliaments, who is required to have the same laid before Parliament at the commencement of the next ensuing Session. The object of an amending Act (No. 6) is to enable a compilation to be prepared and enacted in the same Session as that in which a resolution directing the compilation may be passed. In pursuance of the principal Act as amended, Parliament on July 14, 1915, passed a resolution directing the compilation of the Land Transfer Act, 1908, and its amendments, and the compilation was enacted on October 1 of the same year, as the Land Transfer Act, 1915.

Prohibited Imports.—The Regulation of Trade and Commerce Amendment Act (No. 8) temporarily extends certain provisions of the Customs Acts so as to enable the Governor during the continuance of the war to prohibit the importation into New Zealand of any goods if such prohibition is, in his opinion, necessary in the public interest. The Act also amends in several matters of detail the provisions of the principal Act (1914, No. 6).[2]

Trading with the Enemy.—The Enemy Contracts Act (No. 9) provides for the cancellation of contracts with the enemy. The term "enemy" is defined to mean "any person or corporation residing, being, or carrying on business in enemy territory, what-

[1] The War Regulations Act, 1914. See Review of Legislation, 1914, p. 129.
[2] See Review of Legislation, 1914, p. 121.

ever may be the nationality of that person or the place of incorporation of that corporation." "Enemy territory" means "the territory of any foreign prince or State at war with His Majesty, and includes territory in the military occupation of any such foreign prince or State, but does not include territory in the military occupation of His Majesty or of any of His Majesty's allies in such war." The Act applies to contracts whether made before or during the present war, and whether made before or after the passing of the Act.

The operative provisions of the Act provide that when the Attorney-General is satisfied, in respect of any contract made by any person or corporation resident or carrying on business in New Zealand, that any enemy or any person or corporation claiming through an enemy, is or has at any time been a party to that contract, or is or has at any time been directly or indirectly interested therein (whether as a shareholder in a company which is a party to that contract or otherwise howsoever), or that the validity or continued validity of such contract will enure in any manner directly or indirectly to the profit or benefit of an enemy or of any person or corporation claiming through an enemy, the Attorney-General, if he deems it expedient in the public interest so to do, may, by notice published in the *Gazette*, declare that such contract is an enemy contract. Every such declaration by the Attorney-General takes effect as from the date of its publication in the *Gazette* or from such earlier date as may be specified by the Attorney-General (being not earlier than August 4, 1914). The effect of such declaration is that the contract to which it relates, in so far as it remains executory on the date of the taking effect of the declaration, becomes and is deemed to have become void, in the same manner as if the performance or further performance of the contract had then become illegal, but without prejudice to any rights or liabilities in respect of part performance prior to the day of the publication of the declaration in the *Gazette*.

If in any case the Attorney-General is satisfied that a declaration with respect to any contract has been made by him in error, he may revoke his declaration, and thereupon it shall be deemed never to have been made. The fact that legal proceedings may be pending for the enforcement of the contract or otherwise with respect thereto is no bar to the exercise by the Attorney-General

of his powers under the Act. The power conferred on the Attorney-General by the Act is to be exercised by him only on the application of a party to the contract or of his agent duly authorised in that behalf.

The Trading with the Enemy Amendment Act (No. 11) amends the provisions of the Act of 1914. In particular it relates to the offences of (*a*) attempting to trade with the enemy; and (*b*) inciting other persons to trade with the enemy.

S. 4 empowers the Court, in any prosecution for an offence against the principal Act or its amendments, to accept such evidence as it thinks fit, whether such evidence would be legally admissible in other proceedings or not.

S. 5 declares that an offence committed in the course of his employment by the servant of a body corporate shall be deemed to have been also committed by the body corporate itself.

S. 6 provides that prosecutions for indictable offences under the principal Act or its amendments may, with the leave of the Attorney-General, be also punishable on summary conviction before a stipendiary magistrate, by imprisonment for a term not exceeding three months or by a fine not exceeding £100.

S. 7 relates to enemy corporations, and provides that a body corporate carrying on business in an enemy country shall be deemed to be an enemy whatever may be the place of its incorporation.

Local Authorities.—The Local Authorities Empowering Act (No. 10) enables local authorities (*a*) to continue to pay to such of their employees as enlist for military service beyond New Zealand, or as may be engaged on military service within New Zealand, such portion of their salaries or wages as the local authority in any case thinks fit; and (*b*) to remit in whole or in part rates in respect of the occupation of land payable by members of Expeditionary Forces beyond New Zealand, or to postpone for such period as the local authority thinks fit the date for the due payment of any such rates.

S. 26 of the Appropriation Act (No. 85) prohibits local authorities from exercising any borrowing powers during the continuance of the war, except with the precedent consent of the Governor in Council. To this extent the section overrides any statutory provisions conferring borrowing powers on local authorities.

National Ministry.—The Civil List Amendment Act (No. 15) temporarily extends the provisions of the Civil List Act, 1908. It provides for the appointment of ten paid Ministers of the Crown (in lieu of eight such Ministers). Provision is made for the repeal of the Act by the Governor, by Proclamation. The occasion of the Act was the formation of a National Ministry for the conduct of public business during the continuance of the war.

War Pensions.—The War Pensions Act (No. 16) provides a pension scheme for soldiers disabled as the result of their employment as members of a New Zealand Expeditionary Force, and also for the dependents of soldiers who may be killed or disabled as the result of such employment. The Act applies only in the case of men and the dependents of men who have actually left New Zealand. Similar provision is made by the Defence Amendment Act (No. 83) for men who may be disabled in the course of training in New Zealand, and for the dependents of such men and of men who may die in camp in New Zealand.

The main provisions of the Act are briefly as follows: the Act is administered by a War Pensions Board of three members, of whom one must be a medical practitioner. It is the duty of the Board to inquire into all claims for pensions, and to determine (within the limits prescribed by the Act) the amount of the several pensions to be granted. The determination of the Board is subject to review by the Minister of Defence.

The Act fixes the maximum amount that may be paid by way of pension to any one applicant, and the Board determines the amount to be actually granted. In determining the amount to be paid to a dependent, the Board is directed to "*take into consideration*" the property and income of the applicant and of all persons liable at law for his or her maintenance. The intention of the Legislature plainly was to allow to the Board a considerable discretion. If on inquiry the Board finds that an applicant (not being a member of the forces) has suffered material financial loss as the result of the death or disablement of a relative, it is not obliged to reduce the amount of pension payable because of some small amount of income or property; it has power to consider the whole circumstances of the case, and only makes a reduction in the amount of pension where in its opinion it is equitable so to do. If, on the other hand, an applicant is clearly not in need of a

pension for his or her maintenance, the Board is free to refuse a pension altogether, or to grant a pension of a reduced amount.

When dealing, however, with an application made by a disabled soldier, the Board makes no inquiry as to property or income, but is bound to grant a pension on proof of disablement arising out of employment as a member of the forces. The amount prescribed by the Act is the maximum amount payable in case of total disablement; in cases of partial disablement the amount is left to be fixed by the Board.

The term "dependent," as used in the Act, has a very wide application. It includes, by reason of relationship only, the wife and children of a member of the forces, and by reason of actual dependency may include any other member of his family. The term "member of family" means wife, child, father, mother, grandfather, grandmother, stepfather, stepmother, grandson, granddaughter, brother, sister, half-brother, half-sister, and mother-in-law. The term "child" includes an illegitimate child. Where claims are made by a wife or children, their claims take precedence over the claims of all other relatives. Pensions for children are continued until the child reaches the age of sixteen years; in the case of a girl the Board may continue the pension for an extra year. Pensions to children suffering bodily or mental infirmity may be continued indefinitely. The ordinary rate of pension for children is 5s. a week, but this rate may be increased to 10s. a week for children who have lost both parents.

In the case of a dependent other than a wife and children, the annual rate of pension is not to exceed the monetary value of the benefits in fact received by the dependent from the soldier in respect of whose death or disablement the claim is made during the year preceding the date on which he became a member of the forces. A partial exception to this provision is made in the case of parents. S. 13 provides for the grant of a pension, in respect of the death of a member of the forces, to his mother if over fifty years of age or to his father if over fifty-five years of age, if, in either case, the applicant, though not a dependent of the member within the meaning of the Act, has not adequate means of support. The Act applies not only in the case of members of an Expeditionary Force, but also to members of the New Zealand Naval Forces.

S. 2 of the Defence Amendment Act, 1915 (No. 83), extends

the provisions of the War Pensions Act, so as to apply in the case of members of Expeditionary Forces who may die or be disabled in New Zealand as the result of their employment as members of any such force. The War Pensions Act, prior to the passing of the Defence Amendment Act, applied only in the case of men who were killed or disabled after having actually left New Zealand. In computing the amount of pension payable under the present Act the Pensions Board "*may take into consideration the fact that the death or disablement of the member occurred in New Zealand.*"

Protection of Shipping.—The Crimes Amendment Act (No. 17) is a temporary measure, relating to the offence of unlawfully destroying or endangering any ship or cargo, whether in New Zealand or elsewhere. Any person who commits such an offence, or who incites or attempts to incite, or conspires with, any other person to commit such an offence is liable on conviction to suffer death. The Act is expressed to continue in operation until August 1, 1916, but will no doubt be extended, if required, until the end of the war.

Regulation of Prices.—The Regulation of Trade and Commerce Amendment Act, 1915 (No. 2) (1915, No. 22), was designed to prevent an unjustifiable increase, by reason of the imposition of certain customs duties, in the price of refined mineral oil. The Act fixes a maximum price for the sale of such oil imported before the imposition of the duties. The price is fixed by reference to "the current price at which goods of the same nature and quality were saleable in the same locality on August 20, 1915,[1] if sold in the same quantity and on the same terms as to payment, delivery, and otherwise."

Settled Land.—S. 3 of the Settled Land Amendment Act (No. 23) amends s. 27 of the Settled Land Act, 1908 (relating to the exercise by the Supreme Court of powers with respect to settled land), by omitting reference to any manifest intention that may be disclosed in the settlement that such powers be not exercised. The effect of the amendment is to bring the New Zealand provision into conformity with the provisions of s. 38 of the Settled Estates Act, 1877 (United Kingdom).

Marriage.—S. 6 of the Marriage Amendment Act (No. 25) prescribes the notices to be given in New Zealand for the purposes

[1] The day as from which the additional duties were imposed.

of the Foreign Marriages Act, 1892 (Imperial), in the case of marriages to be solemnised out of New Zealand. The other sections are of local importance only.

Regulation of Imports.—The Sale of Food and Drugs Amendment Act, 1915 (No. 32), enables the Governor by Order in Council to make regulations for the stamping of imported articles of food or the packages in which such food is contained, so as to disclose the fact of importation and the country of origin.

National Registration.—The National Registration Act (No. 33) provides for the compilation of a "National Register of Men" between the ages of seventeen and sixty years, with a view to ascertaining the resources of the Dominion for war, and also for industrial purposes. All men to whom the Act applies are required, on demand, to furnish to the statistical authorities particulars as to name, age, nationality, allegiance, occupation, condition, etc.; men between the ages of nineteen and forty-five years are, in addition, required to express their willingness or unwillingness to become members of an Expeditionary Force for military service beyond New Zealand.

The information required upon the registration card relates to personal matters only. In this respect it differs from the Australian Commonwealth War Census Schedule, which requires particulars to be supplied as to wealth, etc. It was not considered necessary or advisable in New Zealand to ask for such particulars on the National Registration Card. Much of the information as to material wealth and resources is already available in Government Departments, and additional information that may be required can be obtained under the powers conferred by the Census and Statistics Act of 1910, as amended in 1915.

Land Transfer.—The Land Transfer Acts Compilation Act (No. 35) is a "compilation" of the Land Transfer Act, 1908, and its amendments, made pursuant to the provisions of the Statutes Compilation Act, 1908. S. 2 of the Act last referred to reads as follows:

> 1. Whenever both Houses of the General Assembly by resolution direct the compilation with its amendments of any Act in force in New Zealand, it shall be the duty of the Solicitor-General, so soon as may be possible after the termination of the session in which such resolution was passed, to prepare a compilation embodying all the provisions of

such Act and the amendments thereof, omitting all those portions of the text of such Act which have been repealed or altered by subsequent Acts, and inserting in the proper places all words or sections substituted for or added to the text of the original Act by such subsequent Acts, with marginal reference notes citing section and Act; and he shall add to such compilation an appendix showing the Acts and sections of Acts comprised therein.

2. In preparing such compilation the Solicitor-General shall make such consequential and other alterations in, additions to, or omissions from the text as in his opinion are necessary in order to give effect to implied repeals, to secure uniformity of expression, and generally to allow of the compilation being enacted as an Act of the year of enactment; and shall indorse upon such compilation or attach thereto a memorandum directing attention to every such alteration, addition, or omission, and stating, where necessary, the reason therefor.

The "compilation" so prepared is forwarded by the Solicitor-General to the Clerk of Parliaments, and a copy is laid on the table of both Houses of Parliament.

As to the enactment of the "compilation," s. 4 provides as follows:

Such compilation may at any time thereafter be enacted in manner following, that is to say:

(*a*) A list of Acts and parts of Acts comprised in the compilation shall be set out in an Appendix A to the enacting statute, and the full text of the compilation shall be set out as an Appendix B thereto.

(*b*) The enacting statute shall set forth that the Acts and parts of Acts set forth in Appendix A are thereby repealed, and that the compiled Act set forth in Appendix B is thereby enacted under the title of "The Act, " (giving the Short Title); and it shall not be competent to amend or alter either of the appendices otherwise than for the correction of errors of transcription or printing, or for the incorporation of any amendment which may have been made after the preparation of the compilation and before the passing of the enacting statute:

Provided that any alteration, addition, or omission made as provided by sub-sec. 2 of s. 2 hereof may be amended, altered, rejected, or restored.

Cook Islands.—The Cook Islands Act, 1915 (No. 40), which contains 660 sections, was drafted by the Solicitor-General. The Act

repeals not only the Cook Islands Act, 1908 (a New Zealand enactment), but, so far as the Parliament of New Zealand has authority and jurisdiction, it repeals all the Acts, ordinances, regulations, and other enactments and laws whatsoever (including native customs and usages in so far as they may have the force of law), and re-enacts in their place a criminal and civil code of law for the government of the Cook Islands. The Act is divided into twenty-four Parts:

Part I. (Executive Government of the Cook Islands). This Part of the Act provides for the appointment by the Governor of a member of the Executive Council to be known as the Minister of the Cook Islands; it also provides for the appointment of an Administrative Officer (the Secretary for the Cook Islands) to hold office in New Zealand, and for the appointment of a Resident Commissioner and Deputy Resident Commissioner of Rarotonga and a Resident Commissioner and Deputy Resident Commissioner of Niué, to hold office in the Cook Islands. For islands other than Rarotonga and Niué the Governor may appoint Resident Agents. Provision is also made:

(*a*) for the appointment of Medical Officers for the Islands, and the establishment of hospitals. The services of the Medical Officers are to be rendered gratuitously to all natives of the islands who may require them;

(*b*) for the establishment of prisons and the appointment of the necessary officers;

(*c*) for the establishment of public schools and the appointment of teachers.

Part II. (Island Councils). This Part of the Act provides the necessary machinery for purposes of local government. It establishes an Island Council of Rarotonga, and an Island Council of Niué; the Governor may establish other Island Councils if necessary. The Councils so established are given authority to make Ordinances for the peace, order, and good government of the respective islands. No such Ordinance has any force or effect in so far as it may be repugnant to any law passed by the New Zealand Parliament applicable to the Cook Islands.

Part III. (the High Court of the Cook Islands). The existing High Court is continued, and the Governor is empowered to appoint a Chief Judge, and such other Judges, Commissioners, Registrars,

and other officers as may be necessary for the conduct of business. The High Court has all jurisdiction, both civil and criminal, which may be necessary to administer the laws of the Cook Islands.

Part IV. (the Supreme Court of New Zealand) confers original jurisdiction, both civil and criminal, on the Supreme Court of New Zealand with respect to matters arising in the Cook Islands. Provision is also made for appeals from the Island Courts to the Supreme Court, and for the hearing by the latter Court of cases stated by the Island Courts. Judgments of the New Zealand Supreme Court may be enforced in the Cook Islands by the High Court.

Part V. contains a penal code of about 100 clauses.

Part VI. contains rules of criminal procedure to be observed by the High Court.

Part VII. relates to the rules of evidence to be observed in civil or criminal proceedings. S. 316 empowers the Court to receive such evidence as it thinks fit, whether such evidence is or is not admissible or sufficient at common law. S. 317 gives to the Court a discretionary power to reject any secondary evidence which it considers to be needless, irrelevant, or unsatisfactory, whether such evidence would be admissible or not at common law. S. 318 makes all persons competent witnesses.

Part VIII. makes the necessary provision for the extradition of offenders from the Cook Islands to New Zealand and from New Zealand to the Cook Islands.

Part IX. provides for the filing of petitions under the Crown Suits Act, 1908, in the Supreme Court of New Zealand or in an inferior Court (including the High Court of the Cook Islands). Petitions filed in the Supreme Court may, on the request of the Attorney-General, be removed into the High Court.

Part X. declares to be Crown land all land in the Cook Islands which is not vested in any person for an estate in fee simple. Any such land may be disposed of by way of rent, or by way of lease, licence, easement, or other limited estate. Crown lands may be reserved for public purposes, and private land may, on payment of compensation, be taken for any such purpose.

Part XI. establishes the Native Land Court of the Cook Islands, provides for the appointment of judges and officers, defines its jurisdiction, and determines its procedure.

Part XII. (Customary Land) and Part XIII. (Partition and Exchange of Native Land) are based on corresponding provisions of the Native Land Act, 1909 (New Zealand).

Part XIV. prescribes certain conditions to be fulfilled in the case of wills executed by natives, and provides for the distribution, according to native custom, of property not disposed of by will.

Part XV. imposes certain restrictions with respect to the adoption of children.

Part XVI. imposes certain restrictions on the alienation of land by natives and prescribes certain formalities with respect to the execution and confirmation of instruments of alienation.

Part XVII. relates to the appointment by the Native Land Court of trustees for minors, or for persons of unsound mind, or in prison, or subject to any physical or mental infirmity rendering them unfit to have the management of property.

Part XVIII. (Marriage) and Part XIX. (Divorce) relate respectively to the marriage and divorce of natives in the Cook Islands.

Part XX. relates to maintenance and affiliation orders.

Part XXI. relates to the custody of persons of unsound mind and the administration of the estates of such persons. It also makes provision with respect to criminal lunatics.

Part XXII. prohibits the manufacture in the Cook Islands of intoxicating liquor, and restricts its importation and sale.

Part XXIII. relates to the construction, maintenance, and control of roads.

Part XXIV. applies to the Cook Islands, with modifications, a considerable portion of the statute law of New Zealand, and also several rules of the common law.

War Funds.—The object of the War Funds Act (No. 41) is to ensure the proper administration and control of moneys that have been raised by public subscription for purposes arising out of the war. Very considerable sums of money have been collected by local committees and by private individuals for such purposes as the relief of disabled soldiers and their dependents, for the relief of distress both within and beyond New Zealand, for the equipment of hospital ships, and for numerous other kindred purposes. Although in the main the funds have been properly administered, the system nevertheless affords ample opportunity for the exercise of dishonest practices, and the present Act is an effort to reduce

to a minimum the chances of funds being misappropriated or otherwise misused. An important feature of the Act is the invitation to the holders of funds to transfer their obligations to a National War Funds Council, to be charged with the administration of the funds for the purposes for which they were respectively raised. As an alternative to this proposal, the trustees of any fund are authorised to transfer their fund to any society or trustees administering another fund for substantially the same purpose. In both proposals the fundamental idea is that it is not expedient to have a large number of small funds raised for practically identical purposes being separately administered, but that the amalgamation of funds, or their separate administration by one administrative body, tends to promote efficiency as well as economy of administration.

A further safeguard against the misuse of funds is provided for by s. 19, which provides for the audit of all funds by the Government Audit Office or by an approved auditor at intervals not exceeding one year.

The final provision of importance is contained in s. 22, which prohibits the collection of moneys for the purposes of a war fund except by persons who may be the holders of permits issued by responsible persons authorising the making of such collections.

Military Manœuvres.—The Military Manœuvres Act (No. 42) is similar in purpose to the Military Manœuvres Act, 1897, of the United Kingdom. It provides for the setting aside, by Proclamation, of land that may be required for purposes of military manœuvres. While any such Proclamation remains in force, the land to which it relates may be used for the execution of military manœuvres; the right to exercise such manœuvres includes the right to enter on, pass over, or encamp on any land and to construct military works thereon. Compensation is payable out of moneys to be appropriated by Parliament for the purpose, in respect of loss or injury suffered by any person by reason (*a*) of the use for military manœuvres of lands referred to in a Proclamation under the Act, or (*b*) of the acts or omissions of any officers or men engaged in or preparing for military manœuvres on the land, whether such acts or omissions may be lawfully in the course of their duties or not. Compensation is not payable, however, for loss or injury that may be due to the failure of the complainant

to take necessary precautions to protect himself from such loss or injury.

Expeditionary Force.—The object of the Expeditionary Forces Act (No. 44) is to provide statutory authority for the raising of Expeditionary Forces for military service beyond New Zealand during the present war. S. 3 provides as follows:

> At all times and from time to time during the present war with Germany it shall be lawful for the Governor to raise by voluntary enlistment, and to organise, administer, and maintain in such manner as he thinks fit an Expeditionary Force for service out of New Zealand with or in aid of His Majesty's Forces.

In the case of non-commissioned officers and men the period of enlistment is expressed to be for "the duration of the present war with Germany and six months thereafter, or such shorter period as the Governor in any case thinks fit." With respect to the discipline of the forces, it is provided by s. 17 that the Army Act, so far as it relates to offences and to the trial and punishment of persons subject to military law, shall apply to the officers, non-commissioned officers, and men of an Expeditionary Force at all times and in all places while out of New Zealand. Provision is also made for the trial by court-martial in New Zealand of offences committed out of New Zealand, where the offender is afterwards found in New Zealand. Offenders tried and sentenced to penal servitude or imprisonment out of New Zealand may be sent in military custody to New Zealand, there to be imprisoned in accordance with terms of the sentence.

By s. 25 the provisions of the Act are made applicable to the Samoan Force and other forces despatched from New Zealand before the commencement of the Act.

Of certain miscellaneous provisions following the main provisions of the Act, the following are the more important:

(1) S. 31 empowers the Minister of Defence to make reasonable deductions from the pay of any officer, non-commissioned officer, or man for the support of any person who in the opinion of the Minister is wholly or partly dependent upon or has a claim for maintenance against such officer, non-commissioned officer, or man.

(2) S. 33 relates to the proof of death of soldiers abroad, and is in the following terms:

33 (1) In proof of the death in any place out of New Zealand of any person who has left New Zealand (whether before or after the passing of this Act) as a member of an Expeditionary Force, and in proof of the date or approximate date of his death (whether before or after the passing of this Act), and in proof of the fact that he did so leave New Zealand, any Court may in any proceeding accept as sufficient evidence a certificate under the hand of the Minister of Defence expressed to be given in pursuance of this Act, and on the faith of official intimation received by him. Judicial notice may be taken of the signature of the Minister of Defence to any such certificate.

(2) In proof of the fact that any person (other than one who has left New Zealand as a member of an Expeditionary Force) has, whether before or after the passing of this Act, died out of New Zealand while on active military or naval service during the present war, and in proof of the date or approximate date of his death, any Court may in any proceeding accept as sufficient the sworn testimony of any person, by affidavit or otherwise, that on the faith of official intimation received by him he believes that such death has so occurred.

(3) S. 34 imposes a penalty of from £10 to £50 on employers who penalise or threaten to penalise any servant, whether by dismissing him or by reducing his pay or otherwise, by reason that the servant has undertaken, or offered, or proposes or intends to become a member of an Expeditionary Force, or with intent to dissuade the servant from becoming a member of any such Force.

(4) S. 35 enacts that on the death of any member of an Expeditionary Force to whom any sum of money not exceeding £100 may be payable by any person, such person may, without requiring probate or letters of administration, pay such sum to any person who is proved to his satisfaction to be entitled by law to receive the same. All persons *bona fide* acting under this authority are absolutely discharged from liability in respect of the moneys paid by them, but any person to whom the moneys or any part of the moneys should have been paid may recover the same from the person or persons to whom they may have been paid in error.

Discharged Soldiers.—The Discharged Soldiers' Settlement Act, 1915 (No. 45), makes provision for the settlement of discharged soldiers on areas of Crown land and on lands that may be specially acquired by the Crown for the purpose. In the selection of ordinary

Crown lands, discharged soldiers are accorded a certain preference over other applicants. But the main feature of the present Act is the authority vested in the Governor to set apart areas of land, to be subdivided into suitable allotments, capable of being selected only by discharged soldiers. It is expected that many partially disabled soldiers may thus be provided with suitable occupations, and thus with the means of maintaining themselves and their dependents. In addition to the facilities provided for the acquisition of land by soldiers, authority is given to enable the Crown to assist soldier settlers in respect of (*a*) the clearing, fencing, draining, and general improvement of their land; (*b*) the erection of buildings; (*c*) the purchase of implements, stock, seeds, plants, trees, and other things that may be regarded as necessary for the successful occupation of the land.

The Minister of Finance is empowered to borrow such amount as he thinks fit, not exceeding £50,000, for the purposes of the Act, not including the acquisition of land by the Crown.

Miner's Phthisis.—The Miner's Phthisis Act (No. 50) provides pensions for miners who may be totally incapacitated for work by reason of miner's phthisis or pneumoconiosis, contracted while working as a miner in New Zealand. In the case of a married man, or a widower with young children, the pension is at the rate of £1 a week; in other cases it is fixed at 15*s.* a week. The widow of a miner who may die of pneumoconiosis is entitled for two years to a pension of 12*s.* 6*d.* a week.

The administrative provisions of the Pensions Act, 1913, are applied.

By s. 4 of the Mining Amendment Act, 1915, the rate of duty payable on the export of gold from New Zealand is increased, and the proceeds are made payable to the Public Account. The increase in the rate of duty is expected to provide a considerable portion of the cost of the miners' pension scheme.

Venereal Diseases.—The Prisoners' Detention Act (No. 52) provides for the establishment of prison hospitals for the treatment of convicted prisoners suffering from venereal disease. Any prisoner committed to a prison hospital may be detained therein until free from disease, although in the meantime his sentence of imprisonment may have expired.

Raffles.—The Gaming Amendment Act (No. 57) temporarily

suspends to a limited extent the operation of the provisions of the principal Act prohibiting the holding of lotteries. The Act allows the Minister of Internal Affairs to consent to the disposition of any property by raffle or chance if the proceeds are intended to be donated to a patriotic fund.

Maintenance Orders.—The Destitute Persons Amendment Act (No. 58) is designed to provide better means for the enforcement of maintenance orders under the principal Act. It provides for the appointment of an officer of the Court whose duty it shall be to receive moneys paid under any such order, and to take further proceedings in cases where default is made in complying with the terms of the order.

Mortgages.—The Mortgages Extension Amendment Act (No. 59) considerably modifies the provisions of the Mortgages Extension Act, 1914. By the last-mentioned Act a mortgagee, during the continuance of the war, is debarred from calling up his principal or exercising his powers of sale or other rights under a mortgage unless and until he has first obtained the leave of the Supreme Court so to do. So long as the mortgagor continues to pay interest at the rate reserved by the mortgage, the Court had no authority to grant the required leave to the mortgagee. The consequence was that in many cases mortgagors, relying on the protection afforded them by the Act, failed to pay moneys owing under their mortgages, which they held at a comparatively low rate of interest, and themselves invested the money at the current rate. By the amendment Act last passed the Court, in considering an application by a mortgagee for leave to call up the principal or otherwise to exercise his powers, is directed to take into consideration the following matters: (*a*) the effect of the continuance of the mortgage upon the security thereby afforded to the mortgagee; (*b*) the inability of the mortgagor to redeem the property either from his own moneys or by borrowing at a reasonable rate of interest; (*c*) the ability of the mortgagor to pay a reasonably increased rate of interest in consideration of the continuance of the mortgage; (*d*) the conduct of the mortgagor in respect of any breaches by him of the covenants of the mortgage; and (*e*) any hardship that would be inflicted on the mortgagee by the continuance of the mortgage or upon the mortgagor by the enforcement thereof. If, having regard to these and to all other relevant considerations, the Court

is of opinion that it is just and equitable that leave should be granted, it is directed to grant such leave accordingly.

Friendly Societies.—The most important provision of the Friendly Societies Amendment Act (No. 64) is contained in s. 4, which validates certain rules providing for the consolidation of benefit funds. Such rules had been declared by a judgment of the Supreme Court to be *ultra vires*, and as the rules had been acted on and funds actually amalgamated beyond any possibility of restoration to their original condition, it was deemed expedient to validate the amalgamations that had already been effected, and by the repeal of s. 40 of the principal Act tacitly to authorise the adoption of such rules by societies.

Military Requisitions.—The War Regulations Amendment Act, 1915 (No. 2) (1915, No. 66), makes provision principally with respect to the requisition by the Crown of military supplies. The delivery of a requisition by the Minister of Defence to the owner or occupier of a factory is deemed to constitute a contract for the supply of the goods named therein. In default of agreement as to price, the matter is to be determined by a judge of the Supreme Court. The wilful failure to comply with the terms of a requisition constitutes an offence punishable by fine, and in any case of failure to supply the goods required the Minister may take possession of the factory or workshop and use the same, as the agent of the owner or occupier, for the purpose of manufacturing or producing the military supplies to which the requisition relates.

The obligations imposed by a requisition on the owner or occupier of a factory or workshop may be pleaded by him in any proceedings for breach of any contract entered into by him before the delivery of the requisition.

Alien Enemy Teachers.—The Alien Enemy Teachers Act (No. 67) prohibits the employment or the continuance of the employment as a teacher in any public educational institution of any person who, not being a British subject by birth, or by naturalisation or otherwise, is or at any time has been a subject of a State with which His Majesty is now at war. As compensation for loss of office occasioned by reason of the Act, authority is given to the governing body of any such institution to pay to any person whose services are so terminated a sum not exceeding one year's salary.

Board of Trade.—The Cost of Living Act, 1915 (No. 69), might

more properly have been termed the Board of Trade Act. It provides for the establishment of a Board of Trade, to consist of a Minister of the Crown and three other members. The duties of the Board are to investigate, *inter alia*, the following matters: (1) alleged breaches of the Commercial Trusts Act; (2) questions relating to the cost of living, and more particularly questions relating to the supply, demand, or price of commodities; (3) questions relating to the trade, commerce, or business of New Zealand; and (4) questions relating to markets for New Zealand produce and manufacture. S. 12 of the Act extends the provisions of the Commercial Trusts Act, 1910, to all articles of food for human consumption and to the ingredients thereof. The Act formerly applied only where the alleged monopoly (in the case of articles of food) related to meat, fish, flour, oatmeal, and other products of milling, or sugar. The amendment makes illegal any combination or association to control the price, or the supply or demand, of any article of food.

Savings Bank.—The Post and Telegraph Amendment Act (No. 70) authorises the Postmaster-General to receive fixed deposits of not less than £50 for periods of not less than twelve months in the Post Office Savings Bank. Formerly all deposits in the Post Office Savings Bank were withdrawable on demand.

War Degrees.—The New Zealand University Amendment Act (No. 77) confers on the Senate of the University powers to award degrees, diplomas, certificates of proficiency, scholarships, prizes, bursaries, and exhibitions to students who have enlisted for military service notwithstanding that such students may not have fully complied with the statutes and regulations of the University. The exercise in any case of the power so conferred is conditional upon the student having attained such a standard of proficiency that, but for his enlistment, he would have qualified to receive the degree or other distinction which the Senate may award.

10. FIJI.

[*Contributed by* T. D. H. Bruce, Esq, *Crown Solicitor*.]

Ordinances passed—35.

Criminal Procedure.—By the Supreme Court (Circuit Courts) Ordinance (No. 1) the section of the Criminal Procedure Ordinance,

1908, which provides for the establishment of Circuit Courts within the Colony for the hearing of criminal causes is repealed, and replaced by an exactly similar provision, to which is added a proviso preserving to the Supreme Court the power to hear any criminal case at the Central Criminal Court at Suva, notwithstanding the fact that the case in question may have arisen within the limits of a Circuit Court.

Aircraft.—The Aerial Navigation Ordinance (No. 2) gives the Governor power by order to prohibit aerial navigation over prescribed areas within the Colony, and to prescribe the areas within which aircraft coming from any place outside the Colony are to land. Any person infringing any order made under the Ordinance is liable to a penalty, and, under certain circumstances, an offending aircraft may be fired upon.

Cremation.—The Burial and Cremation Amendment Ordinance (No. 3) gives power to the Governor in Council to make regulations governing the control of the cremation of human remains within the Colony, notwithstanding the fact that there may be no crematorium in existence within the Colony.[1]

Rotuma.—The Rotuma Laws Validating Ordinance (No. 4) was passed in order to set at rest certain doubts which existed as to whether or not certain laws passed by the Legislature of Fiji were in force in the Island of Rotuma and its dependencies prior to November 15, 1904. The Ordinance sets these doubts at rest by enacting that all Ordinances in force in Fiji prior to November 15, 1904, shall be deemed to have been in force in Rotuma since May 13, 1881.

Post Office.—The Postal Ordinance Amendment Ordinance, 1914, enacted that no person other than the Colonial Secretary might open postal articles suspected of containing certain forbidden matter. Ordinance No. 5 revokes the power of the Colonial Secretary and enacts that no person other than the Governor may open such postal articles.

The Letters Prohibition Ordinance (No. 24) was passed in consequence of the war, and prohibits, under pain of fine or imprisonment, or both, the transmission or conveyance of any letter or written message, or any newspaper, otherwise than through the post. Powers of searching persons suspected of contravening

[1] No crematorium exists in Fiji.

the provisions of this Ordinance are conferred upon certain officers.

Local Government.—By the Municipal Institutions Amendment Ordinance (No. 6) before a person can become qualified to vote in municipal elections he must submit to an educational test, *i.e.* he must be able to read, write, and speak the English language. The Ordinance also provides for the dissolution of the then Municipal Council at the end of the year 1915, and for the election of a new Council.

Native Emigration.—Before the Natives' Emigration Regulation Amendment Ordinance (No. 9) was passed a native could leave the Colony only if he obtained the permission of the Governor signified through the Commissioner for Native Affairs. Delay was caused though the Commissioner for Native Affairs being the only person who could signify his consent, and therefore this amending Ordinance was passed providing that no native shall leave the Colony without the written permission of the Governor or of some person authorised by the Governor to grant such written permission; and this will enable the Governor to authorise as many people within the Colony as shall be found convenient.

Motor Cars.—The effect of the Motor Traffic Amendment Ordinance (No. 10) is to bring all motor cars within the Colony under the control of the Inspector-General of Constabulary. Hitherto the Government have had no control over motor vehicles licensed as public vehicles.

Imports.—The Customs Regulation Amendment Ordinance (No. 11) allows the importation into the Colony under certain conditions of coconut butter.

Police Prosecutions.—The Fiji Constabulary (Police Prosecutions) Amendment Ordinance (No. 12) gives power to any member of the force who lays an information to appear before the District Commissioner who is trying the case, and conduct the case in person. It further provides that any officer or non-commissioned officer of the Fiji Constabulary may appear before any District Commissioner who is trying any information, and may conduct the case, notwithstanding the fact that such officer or non-commissioned officer is not the member of the force who laid the information.

The Summary Jurisdiction (Court Fees) Amendment Ordinance (No. 19) gives power to District Commissioners to award to the

police or to any officer in the public service, when appearing to conduct a prosecution in their or his official capacity, all or any fees of Court as part of their or his costs of such prosecution, notwithstanding the fact that no such fees have been actually paid.[1]

Aliens' Restriction.—The Aliens' Restriction Ordinance (No. 13) gives power to the Governor in Council in time of war or other emergency to make regulations imposing certain restrictions on aliens regarding their ingress to and egress from the Colony, and requiring aliens to reside within certain districts of the Colony.

False News.—The False Reports and Preservation of Public Peace Ordinance (No. 14) is, to a large extent, a war measure, and provides for the punishment of persons spreading false news and false reports, or giving false information to public officers.

Prices of Necessary Commodities.—The Necessary Commodities Control Ordinance (No. 15) gives the Governor power to appoint a Commission for the purpose of inquiry and report as to the price of necessary commodities. Power is given to the Governor in Council to declare the maximum price at which any necessary commodity may be sold for consumption in the Colony, and thereafter to vary such prices. The Ordinance provides for a penalty for offering necessary commodities for sale at a price higher than the declared price.

Companies.—The Companies (Branch Registers) Amendment Ordinance (No. 16) makes provision for the issue of an annual licence to certain companies incorporated in the Colony in pursuance of the Companies Ordinance, 1913, authorising them to keep a register of their members in any part of the British Empire, outside the Colony, in which they transact business. An annual fee is to be paid in respect of such licence by the company enjoying the privilege.

Wild Birds and Game.—The Wild Birds' and Game Protection Ordinance (No. 18) provides that certain classes of wild birds within the Colony shall be immune from slaughter or any sort of molestation under a heavy penalty, and defines a close season for the protection of another class of wild birds, and for game (deer and antelope). Power is given to the Governor to prohibit the killing or

[1] The police and public officers in their official capacity are exempted from the payment of fees usually taken on any information or complaint or other proceedings before any District Commissioner.

taking, during certain parts of the year, of such fish as he may deem expedient, under a penalty, and the Governor in Council may regulate the use of fishing nets in any waters of the Colony. The practice of dynamiting fish is forbidden.

The Governor may proclaim a reserved area within which it shall be unlawful for any person to shoot, capture, take, or destroy the nest or eggs of any wild bird.

Steam Boilers.—The Steam Boilers Ordinance (No. 21) provides for the periodical inspection of steam boilers and prime movers within the Colony, and further provides that if any person is injured or killed by or in consequence of an accident arising out of and in the course of his employment and occurring in connection with any steam boiler or prime mover to which the Ordinance applies, the owner shall be required to pay a fair and reasonable compensation to the person so injured or to the wife and children of the person so killed or to any other relative dependent on that person.

Trustees.—Ordinance No. 22 is modelled on the lines of the Trustee Act, 1893.

Public Trustee.—Ordinance No. 23 is practically a reproduction of the Public Trustee Act, 1906.

Standard Time.—The Standard Time Ordinance (No. 25) provides for standard time throughout the Colony, the effect of the Ordinance being to make the time in the Colony exactly twelve hours ahead of Greenwich time.

Shop Hours.—The Early Closing Amendment Ordinance (No. 26) amends and adds to the Early Closing Ordinance, 1906, by enacting that all shops within the township of Suva in respect of which a wholesale and retail licence is held shall be closed for the sale of goods not later than 5 o'clock on the afternoon of every day in each week except Saturday.

Foreign Marriages.—The Foreign Marriage Ordinance (No. 30) gives facilities to persons resident in the Colony to contract marriages in foreign countries under the Foreign Marriage Act, 1892, as modified by the Foreign Marriages Order in Council, 1913.

Surveyors.—S. 8 of the Surveyors Ordinance, 1877, provides that certain persons in the execution of any of the duties of their several offices or any registered land surveyor for the purpose of surveying land may enter on or pass over any land whether public or private. An amending Ordinance (No. 31) provides for the imposition of a

penalty upon persons who wilfully resist, obstruct, hinder, or molest any person entering or passing over any land under the authority of s. 8 of the principal Ordinance and upon persons who are abettors and accessories in such obstruction, hindrance, or molestation.

Oil.—The Oil Mines Ordinance (No. 33) regulates the searching for and winning of crude oil within the Colony. This is an anticipatory measure, since no oil mines have yet been found.

The Storage of Oil Ordinance (No. 34) makes provision for the erection, construction, and maintenance of oil storage tanks within the Colony for the purpose of supplying ships with oil fuel. This is in the nature of an Imperial measure, and the Ordinance enacts, amongst other things, that preference of supply of oil must be given to His Majesty's ships, to vessels belonging to the Government of the Colony, and to mail steamers; but no preference must be given to any other ship or line or lines of ships.

Foreshore Rights.—The Foreshores and Crown Properties Ordinance (No. 35) authorises the Government of Fiji to grant leases of foreshores and other properties belonging to the Crown, and to issue licences conferring certain powers over public roads and rivers. Clause 2 validates former leases or grants of foreshore, etc.

11. WESTERN PACIFIC.

[*Contributed by* T. D. H. Bruce, Esq.]

Regulations made—17.

Native Labour.—The Gilbert and Ellice Islands (Labour) Regulation (No. 1) governs the recruiting and employment of native labourers of the Gilbert and Ellice Islands Protectorate.

Diving.—The Solomons Diving Regulation (No. 3) regulates diving operations within the British Solomon Islands Protectorate.

Solomons Land Surveys.—Regulation No. 5 provides for the regulation of land surveyors and surveys within the British Solomon Islands Protectorate.

Solomons Constabulary.—Regulation No. 6 makes provision for a force of armed constabulary within the British Solomon Islands Protectorate.

Aliens' Restriction.—Regulation No. 7 imposes restrictions on

aliens in time of war or imminent danger or great emergency, and applies to the British Solomon Islands Protectorate, the Gilbert and Ellice Islands, and Fanning Island.

Diseases of Animals.—Regulation No. 10 provides for the prevention of the introduction into or spreading within the Solomon Islands Protectorate of contagious or infectious diseases of animals.

Registration of Deeds.—Regulation No. 11 provides for the fees to be taken in the Protectorates of the British Solomon Islands and the Gilbert and Ellice Islands in connection with the registration of deeds.

Post Office.—The Solomon and Gilbert and Ellice Islands (Letters Prohibition) Regulation (No. 14) prohibits the non-postal transmission of letters to or from the Islands.

Companies.—Regulation No. 16 governs the registration of companies within the British Solomon Islands Protectorate.

Regulation No. 17 governs the registration of companies in the Gilbert and Ellice Islands Protectorate.

IV. SOUTH AFRICA.

1. UNION OF SOUTH AFRICA.

[*Contributed by* E. L. MATTHEWS, ESQ., K.C., C.M.G.]

Acts passed—26.

The ordinary session of the Union Parliament in 1915 was of short duration. The opening day of the session was a month later than in previous years owing to the fact that the Government's attention was absorbed by preparations for the military expedition to occupy German South-West Africa; an expedition which had been postponed by the necessity for taking measures to suppress armed rebellion in parts of the Union.

The Prime Minister left the Union to command the expeditionary force before the commencement of the session and was absent throughout. The Minister of Defence also assumed a command of part of the force and departed for the front some time before the session concluded. In addition nearly one-fifth of the members of the House of Assembly were absent on active service, or for other

causes arising out of the war and the recent rebellion. The legislative work was limited therefore to matters which were of immediate necessity, though the Acts passed cannot fairly be described as "Emergency Legislation" in the now accepted meaning of that term. Nevertheless not a single Government measure (other than the usual Appropriation Acts) was introduced which did not arise directly or indirectly out of the state of war or the rebellion; and the Appropriation Acts themselves were, owing to these conditions, more numerous.

No fewer than 12 of the 26 Acts passed were Appropriation Acts, while 4 other Acts authorised additional taxation or created financial expedients to meet an anticipated deficiency—a deficiency anticipated solely by reason of the expenditure incurred in the suppression of the rebellion and the equipment of the expeditionary force.

Finance.—The four measures last referred to may be summarised as follows:

The Finance Act (No. 18 of 1915).—This Act gave statutory validity to certain financial measures which the Government had already taken in anticipation of Parliamentary approval. The sums expended on military measures were charged to loan account and represented money borrowed outside the terms of the Acts which authorise and place a limitation on the Government's borrowing powers. The manner in which these moneys were received and expended was also in contravention of the Exchequer and Audit Act.

The Act also enabled the Government, as a financial expedient and to assist in meeting the estimated deficiency, to appropriate certain funds which, under Acts of the late Cape Parliament, would have gone to the redemption of the loans raised by the authority of that Parliament.

The Customs Amendment and Excise Duties Extension Act (No. 22 of 1915).—A customs tariff for the whole Union had been enacted in 1914 prior to the war, while the excise duties on beer had been consolidated in 1913. The new Act imposed increased customs duties (estimated to produce £700,000), an excise duty on sugar manufactured in the Union (estimated to produce £100,000), and an excise duty on playing cards (estimated to produce £2,000). An increase in the excise duty on beer was estimated to produce £32,000. The new or increased duties were, however, limited in their operation to one year only.

The Income Tax Act (No. 23 of 1915).—In 1914 an income tax was for the first time imposed throughout the Union on all incomes of £1,000 a year and over. The rate commenced at 1*s.* in the pound and was graduated till it reached 1*s.* 6*d.* on incomes of £24,000, and over £48,000 in revenue was produced from that tax. The new Act lowered the limit of exemption to incomes of £300 a year and increased the rate of tax on incomes of £24,000 and over to 2*s.* in the pound. Certain concessions and abatements, however, were made by the new Act in favour of the smaller incomes. These enabled the tax-payer whose annual income did not exceed £500 to deduct a maximum of £25 for insurance premiums paid by him, £10 for contributions to friendly and benefit societies, and £20 in respect of each child (including step-child) under the age of sixteen.

The Mining Taxation Amendment Act (No. 24 of 1915).—Since the conclusion of the South African War a tax of 10 per cent. on the profits of gold mining in the Transvaal has been levied. Before the establishment of Union it was levied under the authority of Lord Milner's proclamation (No. 34 of 1902). During the first session of the Union Parliament a consolidating measure was passed (Act No. 6 of 1910) which (*inter alia*) repealed and re-enacted for the whole Union that proclamation, extended the tax to the profits of diamond mining, and imposed a graduated tax on the profits of mining for base minerals and metals. For some years prior to the outbreak of war the annual yield of taxation from the gold mines under this Act was £1,000,000.

The gold industry of the Witwatersrand had suffered little (if any) dislocation from the state of war, and from the first expressed through the Chamber of Mines its readiness to bear, to the extent of an additional half million, any further burden that might be necessary as war taxation. The Act therefore provided for a special war levy (limited to £500,000) which was to be distributed amongst the companies liable to taxation under the Act of 1910, in the proportion in which the profits made by each company bore to the whole amount leviable under that Act for the current financial year, The small profit-making companies whose profits did not exceed £1,500 a year were exempted from the special levy, but their profits were taxed under the Income Tax Act.

All these financial measures were *indirectly* the outcome of the war and the rebellion.

Other Acts passed during 1915 were a *direct* result thereof.

Rebellion.—Those which merit any attention are the Indemnity and Special Tribunals Act (No. 11 of 1915), Removal of Disabilities (War and Rebellion) Act (No. 10 of 1915), and the Persons on Active Service Relief Act (No. 26 of 1915).

As regards the first mentioned of these three Acts it is unfortunately necessary to refer to the fact that in October 1914 a body of the Union defence forces operating on the border between Cape Colony and German South-West Africa under the command of one Maritz went over to the enemy, and shortly afterwards a considerable number of inhabitants of the Orange Free State and the Transvaal went into armed and active rebellion against the Government. It then became necessary to issue a proclamation declaring that martial law would be enforced throughout the Union. Regulations were at once issued stating the principles on which martial law would be administered. By the end of December 1914 the forces of the Government had completely suppressed the rebellion, and those leaders of the movement who had not been killed had been captured, and were detained in custody until Parliament should approve the Government's suggestions as to the action to be taken against them. Several thousand of the rebels had either been captured in the field or had surrendered. Some of these had been permitted to return to their homes on parole. The large majority were, however, detained in camps.

Legislation became necessary, therefore, not only to indemnify the Government and its officers for acts done under martial law, but also to provide fitting punishments for the rebel leaders and for their followers.

The first part of the Act enacts the indemnifying provisions; the latter part prescribes the action to be taken in respect of persons concerned in the rebellion.

The first three clauses of the first part are in a form common to the numerous indemnity Acts of the South African Parliaments, the last of which was Act No. 1 of 1914, which had been based upon Act No. 6 of 1900 of Cape Colony and a similar Act of Natal of the same period.

The other indemnity provisions validate the action of the Government in refusing to take the necessary steps for the conduct of several by-elections to fill vacancies in the House of Assembly, and

in some of the Provincial Councils, and for its action in preventing the holding of the annual municipal elections. The authorities were also authorised to postpone these elections still further, till more settled times.

A somewhat unprecedented provision of a validatory nature was one which, in general terms, gave the force of law to all proclamations and regulations which had been issued since the commencement of the war " in so far as they related to measures taken or to be taken by the authorities for the maintenance of good order and government and public safety in the Union or for ensuring the success of military operations against or for preventing injury by His Majesty's enemies or for the suppression of rebellion in the Union."

These proclamations and regulations were given the force of law, irrespective of whether they had been issued under the authority of statute, or, if issued under such authority, irrespective of whether the formalities required by the statute had been strictly complied with.

Martial law was not withdrawn till several months after this Act was passed, and the effect was apparently to legalise its continuance and dispense with the necessity of a further indemnity Act.

It is perhaps the nearest approach in Union Legislation to the Defence of the Realm Act of the United Kingdom and the regulations made under that Act.

The second part of the Act which prescribes the action which might be taken in respect of persons concerned in the rebellion followed closely the precedent of the Cape Parliament after the rebellion in Cape Colony during the South African War.

In Cape Colony in 1900 an express differentiation was made between the leaders and the rank and file, both as regards procedure for trial or inquiry and the punishment to be imposed. The Union Act made a similar differentiation, but unlike the Cape Act made no attempt to define a " leader."

An Act passed in 1914 (the Riotous Assembly and Criminal Law Amendment Act) provided the machinery for the creation of special criminal courts consisting of three judges of the Supreme Court without a jury. Eventually some 150 persons were tried by the Special Criminal Court for one or other of such offences, and the greater proportion were convicted and sentenced.

By the common law, death is one of the sentences that may be passed on a person convicted of high treason. Certain provisions of the Indemnity Act which laid down the maximum sentences of fine and imprisonment which could be passed were regarded as a direction to the Court that sentence of death should not be passed, notwithstanding the common law.

As regards the main body of rebels, over 6,000 persons were actually captured in the field by the Government forces. Some of these had at once been released on parole on account of old age or youth or on grounds of ill health. In addition over 2,000 had surrendered before a certain date in order to obtain the favourable conditions then offered; and a further 2,000 had surrendered after that date. It was impossible to provide any form of trial for such a number. The Act therefore legalised the further detention till the conclusion of hostilities in German South-West Africa of those who were then detained, but, empowered the authorities to release individuals on prescribed conditions as to good conduct and place of residence.

Those who had surrendered after the date referred to were placed upon lists prepared by the magistrates of the affected districts, and each was given a right of appeal on the ground that he had been wrongly included in the list.

All classes of rebels were subjected to certain scheduled disqualifications for a period of ten years. These disqualifications included inability to be or to remain a member of Parliament or of a provincial council or of any local authority or hold any public office or Government appointment or to possess arms or ammunition. The leaders who were convicted of treason were under the provisions of electoral law also disqualified from exercising the franchise.

A special provision was made for the amnesty of those who had been intimidated by Maritz into joining the enemy. The circumstances in a large majority of the cases were of an extenuating nature.

The Act finally provided for the assessment by a commission of compensation to the loyalists whose property had suffered from the acts of rebels. Government was authorised to pay compensation out of public funds to such of the loyalists as could prove to the commission that they had suffered direct loss and damage. The Government had previously intimated that it would not compensate

any one who had not first exhausted his legal remedies against the rebel. The Act therefore also makes special provision for ensuring that the rebel against whom action was brought by a loyalist should be personally served with process, and also that the rebel should not in the meantime alienate his assets.

Removal of Disabilities.—Three distinct kinds of disability are dealt with by the second of the Acts of 1915 arising out of the war and the rebellion. A certain number of members of Parliament and provincial councillors were serving in the field as commissioned officers, the majority in South Africa, but some in Europe. They were, in such capacities, holding offices of profit under the Crown. Under the Act of Union they had thus not only vacated their seats but were ineligible for re-election. The Act removes this disqualification as regards members on active service during the present war. Similarly the constitution renders the seat of a member of Parliament vacant if he is absent for a whole ordinary session without leave of the House. The new Act absolves the member on active service from the necessity of obtaining such leave. A similar provision was enacted relieving the member of Parliament from the statutory deductions which would be made from his annual allowance as such a member, in respect of absence without leave of the House.

The Act further relieves from the disqualifications which would arise under the electoral laws those who are absent on active service and further provides for the framing of supplementary voters' rolls for the purpose of enrolling those who were on such service at the time when the periodical registration of voters took place.

The Persons on Active Service Relief Act.—The relief which this Act provides is of two kinds:

(1) A partial relief from death duties in respect of the estates of persons who are killed or who die of wounds or injuries received or disease contracted while on active service. The relief was granted only in respect of small estates and where the assets are transmitted to or for the benefit of a widow or minor child.

(2) A relief from the obligation to make certain payments as well as from the obligation of continuous residence, in the case of settlers under the Land Settlements Acts who had enrolled themselves for active service during the present war.

The Act also conferred a right upon a widow or dependent of such settler to take over the settlement land if he lost his life while on active service.

Among other Acts passed during the 1915 session was one conferring upon a judicial commission appointed to inquire into the contracts for purchase of war material, the power to subpœna witnesses and put them upon oath, and in certain cases to commit persons for contempt.

2. CAPE OF GOOD HOPE.

[*Contributed by* G. M. Swift, Esq.]

Ordinances passed—15.

Divisional Councils.—In terms of an Act of Parliament passed in 1913 the districts of Maclean and Elliot, which formerly formed part of the Native Territories, were constituted Divisions of the Province proper. It being necessary to provide voters' lists to be used at the first election of Divisional Councillors in the new divisions, No. 8 provided that the Parliamentary voters' roll should be employed for that purpose.

Importers' Licences.—No. 3 removed an anomaly which had existed since Union in providing that a trader who imports goods into the Province from any other Province of the Union shall not, in future, reckon the value of the goods so imported in calculating the amount of the duty to be paid by him.

Municipal.—Nos. 6 and 7 amended in certain unimportant respects the general municipal law and the special law under which the Municipality of East London is constituted.

Shop Hours.—No. 14 was the only Ordinance of any importance passed during the session. It is divided into three parts. Part I. empowers local authorities to fix the opening and closing hours of shops. Part II. restricts the hours of work of shop assistants by providing that no assistant shall be employed in or about a shop (*a*) for more than fifty-two hours, excluding meal times, in any one week; nor (*b*) for more than nine hours, excluding meal times, in any one day, except on one day in each week, when the employment may be for eleven hours, excluding meal times.

The employment of a female assistant under the age of sixteen after nine o'clock at night is absolutely prohibited.

Part III. and the schedule contain miscellaneous provisions and exemptions from the operation of the Ordinance.

Valuation.—Owing to the war the operation of the General Valuation Ordinance was suspended. It was therefore found necessary to pass a temporary measure (No. 9) providing for an interim valuation of new and improved buildings and of certain classes of land.

Miscellaneous.—Under this head fall Ordinances to extend the tenure of office of Divisional Councillors; to amend the law relating to trading licences; and to amend the Southern Suburbs of Cape Town Water Supply Act.

3. NATAL.

[*Contributed by* LIEUT.-COLONEL F. S. TATHAM, K.C.]

Ordinances passed and assented to—12 (of which 4 were Appropriation Ordinances).

Education.—Ordinance 9 substitutes the fifteenth year as the age limit of compulsory attendance of European children at school in place of the fourteenth year provided by Law 6, 1910, and the sixth standard in place of the fifth which is required in lieu of such age. It also authorises the attendance officer to require satisfactory proof from a parent or guardian of the age of any child or, in case of illness or physical infirmity or incapacity, a medical practitioner's certificate.

Financial.—Legislation affecting the setting aside of money for Provincial expenditure is not dealt with in this Review.

Franchise.—Ordinance 11, 1914, extended the municipal franchise to women. Ordinance 8, 1915, goes a step further, and extends all laws relating to qualification, election, and office of town councillors to women in like manner as to men. It also provides that in the case of property owned or rented by a husband or wife the qualification thereby conferred upon the one shall extend to the other, provided the value or rental be sufficient to qualify two persons; otherwise the qualification is only to extend to the one in whose name the property is registered or rented.

Licensing Act.—Ordinance 6 repeals Item 16 of the second schedule of the Licence and Stamp Act, No. 43, 1898, and sub-

stitutes a new tariff of fees for hawkers' or itinerant traders' licences. It also prescribes the particulars to be given in an application for a hawker's licence.

Municipal.—Ordinances 5 and 12 deal with matters of local government within the municipality of Durban, and Ordinance 12 relates to sewerage in Pietermaritzburg.

Ordinance 12, 1915, enables the town council of the borough of Durban to permit auctioneers to carry on business in their live-stock markets and abattoirs, also to establish and carry on cold storage works in connection therewith, to provide for the stamping of meat exposed for sale in the borough of Durban, and to provide special branch lines or sidings in connection with the Durban borough tramways.

The penalty for exposing for sale within the borough meat which has not been stamped in accordance with the provisions of the Ordinance is a fine not exceeding £10, or imprisonment, with or without hard labour, for a period not exceeding three months.

Noxious Weeds.—Law 38, 1874, provides for the destruction of the *Xanthium spinosum*, burr weed, on lands in the Province, and imposes penalties on owners and occupiers of lands on which it may be found to be growing. The Act has been extended by later enactments to include *Xanthium strumarium* and *Cnicus diacantha*. Ordinance 7, 1915, extends the provisions of the law to the plant known as *Opuntia pusilla* or jointed cactus, and empowers the Administrator by proclamation, pursuant to a resolution of the Provincial Council, to add any noxious weed to the list of those to which Law 38, 1874, applies.

Roads.—Law 35, 1901, provides that road boards are to be elected triennially, the triennial periods being calculated from December 31, 1901. Ordinance 4, 1915, alters this and provides that such boards shall be elected for a term of three years from date of election, and empowers the Administrator to dissolve existing boards and appoint dates for election of new boards whenever, owing to alteration of magisterial divisions or creation of new divisions, this shall appear to the Executive Committee to be necessary. The Ordinance also empowers the Administrator to suspend the operation of Law 35, 1901, and Ordinance 4, 1912, in regard to the qualifications necessary for membership in any division in which the Executive Committee are of opinion that difficulty will

be found in satisfactorily constituting a road board on account of the fewness of qualified candidates, and may postpone the election to enable further candidates to be nominated; and provides that in this event any male person of the age of twenty-one years and upwards resident in the division shall be competent to become a candidate for election as a member of the board.

4. ORANGE FREE STATE.

[*Contributed by* R. C. STREETEN, ESQ., B.A., LL.B.]

Ordinances passed—4.

Finance.—Nos. 1, 2 and 4 are Appropriation Ordinances.

Local Government.—No. 3 amends s. 148 of the Local Government Ordinance of 1913 by adding a further sub-section giving the Council of the Bloemfontein Municipality special power to erect, purchase, and maintain dwelling-houses and enabling loans to be raised for the purpose of their erection and purchase. The Council is empowered to lease the houses at current rentals for a period not exceeding one year. The provisions of s. 78 of the principal Ordinance prohibiting the lease of property except by a resolution of a three-fourths majority of the Council do not apply to the leases contemplated by the amending Ordinance.

5. TRANSVAAL.

[*Contributed by* G. HARTOG, ESQ.]

Ordinances passed—10.

Local Government.—By the Local Government Amendment Ordinance of 1915 a number of amendments to the principal law (Ordinance 9 of 1912) were made, of which the more notable are the following:

(*a*) A proviso to s. 64 doing away with the need of the Administrator's consent to the purchase or hire by a town council of immovable property where no consideration or merely a nominal consideration passes.

(*b*) An amendment to the provisos of s. 71 (14 [*a*] and [*c*]) doing away with the need of his consent in the case of leases by

town councils (not being leases of town lands) for periods of less than ten years, and providing for the disposal of moneys received in respect of such leases as may be thought fit.

(*c*) Providing for the application of moneys received from other leases, and from the sale of immovable property, including lands covered by the Town Lands Ordinance, 14 of 1904 (to this extent hereby repealed), without the sanction of the Provincial Executive.

(*d*) Town councils are empowered to prohibit, regulate, and license quarrying ; to prohibit depasturing upon town lands animals which are diseased or suspect of disease, or which have been exposed to infection ; to make grants for lectures on " literary and other " subjects, as well as " scientific " subjects ; to establish and carry on Kaffir eating-houses ; and to make assize by-laws.

(*e*) The Administrator's power of making regulations for health committees is extended to cover the management of pounds by such committees, and the application of the Pounds Ordinance of 1913 and other laws relating to pounds is excluded from health committee areas.

Education.—Ordinance No. 3 deprives regulations made by the Executive under the education laws of any effect (other than a merely temporary one) unless and until ratified by resolution of the Provincial Council itself, and further empowers the Council to make, alter, and rescind regulations not inconsistent with the education laws.[1] (Similar power has since been taken with regard to regulations under the Motor Vehicle Ordinance ; see below.)

The Education Act Further Amendment Ordinance (No. 9) abolished the Council of Education, a body of five established (by Act 25 of 1907 as amended by Ordinance 7 of 1912) with advisory powers as to curricula, regulations, and certain minor expenditure.

Hospitals.—By the Hospital Committees Ordinance (No. 5), s. 4 of the Epidemic Diseases and Hospital Committees Ordinance, 3 of 1905, is repealed and the power of constituting such committees is

[1] Under the S.A. Act, executives of a Provincial Council are irremovable for the life of such council, in consequence of which it has become possible for such executives to carry on without regard to the views of the council. The above Ordinance was held necessary by the Labour Party on their coming to the conclusion that certain regulations made by the executive were unsympathetic to or inconsistent with their Free Education Ordinance of 1914.

taken from the Administrator and conferred upon local authorities. The lay personnel of these committees is made to vary from six to fifteen (depending upon the importance of each hospital), and election is substituted for nomination. The method of election is proportional representation (as for the Senate under the S.A. Act), subject, however, to the voting paper being signed by the voter. Electorate: the municipal voters' roll. Qualification of members: inclusion on such roll. Period of office: one year. Provision is also made for the election of medical members on these committees (one to four according to size of hospital), nomination being open to doctors in the area covered by the local authority controlling the hospital. The electorate are the doctors. The method of election is ballot by post. The local authority is authorised to pay members' travelling expenses, and up to 10*s.* 6*d.* per member for each meeting attended.

Motor Vehicles.—Ordinance No. 6 of 1915 repeals the Motor Ordinance, 6 of 1913, and re-enacts it with improvements. Licensing fees are reduced roughly by one-half. Examining bodies empowered to grant certificates of competence to drivers are made to include, if possible, nominees of motor cycle clubs and of motor drivers' associations. An additional ground of disqualification of drivers appears on the list, namely any physical defect rendering the applicant in the examiners' opinion incapable of driving safely. Cars are required to have at least two independent brakes in good working order; a maximum speed limit on roads within local authority areas is fixed, viz. twenty miles an hour; but written notice of prosecution for exceeding the speed limit must be served within forty-eight hours of the offence. Interference with another's car by using it, or setting the machinery in motion, etc., is made an offence.

All fees and fines under the Ordinance (instead of two-thirds as formerly) go to the local authority concerned if there is one, or otherwise to the Provincial Revenue Fund. The by-law powers given to local authorities by the Local Government Ordinance of 1912 with regard to regulating and licensing of motor vehicles and drivers are limited to such vehicles and their drivers as ply for hire.

The following Ordinances were passed by the Transvaal Provincial Council during 1915, but were "reserved" by the Governor-

General in Council, and subsequently lapsed under s. 90 of the S.A. Act:

(1) The Hospitals Draft Ordinance—a Bill to turn all provincial hospitals into free hospitals.

(2) Rietfontein Hospital Draft Ordinance—a Bill making it an offence to admit patients to the Rietfontein Hospital until the conditions there had improved.

(3) Hospital Nurses' Hours Draft Ordinance—a Bill providing an eight hours day for nurses;[1] and

(4) Education Act Further Amendment (No. 2) Draft Ordinance—a Bill requiring the assent of the Provincial Council to the exercise of the power possessed by the Administrator (s. 10 of Ordinance 7 of 1912) to transfer a teacher from one school to another with or without the consent of the school board concerned, where he considers such transfer desirable in the interests of education.[2]

V. BRITISH INDIA.

[*Contributed by* Sir Courtenay Ilbert, G.C.B., K.C.S.I.]

1. ACTS OF GOVERNOR-GENERAL IN COUNCIL.

Acts passed—16.

The Acts passed by the Governor-General in Legislative Council during the year 1915 belonged largely, but not wholly, to the class of emergency legislation arising out of the war.

Continuance of Temporary Ordinances.—The Emergency Legislation Continuance Act, 1915 (No. 1), prolongs during the period of the war and for a period of six months afterwards the nine temporary Ordinances made in 1914 and noticed in last year's Review.

Aliens.—The Foreigners (Amendment) Act, 1915 (No. 3), gives the police authorities powers for the detention of an undesirable alien or foreigner pending an order for his deportation under the Foreigners Act, 1864.[3] At the same time it substitutes for the antiquated

[1] The subject-matter of Ordinances 2 and 3 on this page has since been referred to a Commission.

[2] This was passed for similar reasons to those which prompted Ordinance 3 of 1915, *supra*, p. 130.

[3] Act 3 of 1864.

definition of " foreigner " in the Act of 1864 a new definition which follows the language of the British Nationality and Status of Aliens Act, 1914.[1]

Criminal Law (Defence of India).—The Defence of India (Criminal Law Amendment) Act, 1915 (No. 4), is the analogue of the English Defence of the Realm Acts. It was introduced and passed through all its stages at Delhi on March 18, 1915, and its provisions, though adapted to Indian circumstances, were obviously to a large extent suggested by and based upon the provisions of the English Acts. It is temporary in its operation and remains in force during the continuance of the war and for a period of six months afterwards. S. 2, which is general in its application and which came into force at once, gave the Governor-General in Council power to make rules " for the purpose of securing the public safety and the defence of British India and as to the powers and duties of public servants and other persons in furtherance of that purpose," and, in particular, for purposes which are specified in twelve consecutive paragraphs which should be compared with the purposes specified in the English Acts. Contraventions of these rules are punishable by fine, or imprisonment up to seven years, or both, or, if the intention of the contravener is to assist the King's enemies or to wage war against the King, by heavier penalties, including death.

The remaining sections of the Act could be applied by notification of the Governor-General in Council to particular provinces or areas, and it was understood that they were required for portions of Bengal and of the Punjab, where disturbed and lawless conditions had produced outbreaks of crime with which the ordinary Courts were unable to cope. By these sections the local Governments were empowered to set up special Courts, consisting of three Commissioners each, with powers to try, under order of the local Government, persons charged with certain offences. The orders can be made in respect of persons or classes of persons, or offences or classes of offences. The procedure is somewhat briefer and more summary than under the Code of Criminal Procedure, and there is no appeal from the Commissioners.

Currency.—The Indian Paper Currency (Temporary Amendment) Act, 1915 (No. 5), is a temporary Act which, during the continuance of the war and for six months afterwards, raises from 140 to 200

[1] 4 & 5 Geo. V. c. 17.

millions of rupees the portion of the Paper Currency Reserve which can be invested instead of being actually held in coin or bullion. The object had been explained by the Finance Member in his annual financial statement, and the Act superseded an Ordinance which had been passed previously, but after the passing of Act No. 1 of the year, and which could only operate for six months.

Patents and Designs.—The Indian Patents and Designs (Temporary Rules) Act, 1915 (No. 6), was another temporary war measure, following the lines of English legislation. It is aimed against the use by the enemy of rights in respect of patents and designs. It gives power to make rules under the Indian Patents and Designs Act, 1911, to provide for refusing the grant of patents or registrations of designs to subjects of any State at war with His Majesty, for avoiding or suspending patents or licences to use rights in respect of designs granted to such persons, and for attaching conditions to the grant of rights in respect of inventions or designs.

Delhi Laws.—The Delhi Laws Act, 1915 (No. 7), declares the laws which are to be in force in a strip of land added to the Delhi Province, which is governed under the Delhi Laws Act, 1912.

Assam Labour and Emigration.—The Assam Labour and Emigration (Amendment) Act, 1915 (No. 8), amends the Act of 1901, which has not been working smoothly and will probably require further amendment. Labour for the tea gardens is not to be recruited by contractors. There are to be licensed local agents representing the employers for the purpose of obtaining labour. For the supervision of local agents, and of the recruitment, engagement, and emigration to labour districts of natives of India, the Act sets up an Assam Labour Board, with a paid official chairman appointed by the Government of India and fifteen other members elected by the Tea Associations.

Sea Customs.—The object of the Sea Customs (Amendment) Act, 1915 (No. 9), is to prevent importers from clearing out goods at the old rates in anticipation of a budget raising the rates.

Soldiers' Litigation.—The Indian Soldiers (Litigation) Act, 1915 (No. 12), is a temporary war measure which places restrictions on legal proceedings against Indian soldiers serving under war conditions as defined by the Act. It supersedes an Ordinance made for the same purpose earlier in the year.

North-West Frontier Constabulary.—The North-West Frontier

Constabulary Act, 1915 (No. 13), regulates the appointment, powers, duties, and discipline of the Frontier Constabulary in the North-West Frontier Province. This is a semi-military force under the superintendence and control of the local Government of the province.

Enemy Trading.—The Enemy Trading Act, 1915 (No. 14), provides facilities for the payment to a public authority of money due to enemies. It continues in force during the present war and for six months afterwards. The Act is largely based on the Trading with the Enemy Amendment Act, 1914,[1] but differs from the English Act in that it makes such payments optional instead of obligatory, and applies not only to dividends, interest, and shares of profits, but also to payments of other kinds which may be notified by the Governor-General in Council.

Inland Steam Vessels.—The Inland Steam Vessels (Amendment) Act, 1915 (No. 15), amends the Act of 1884, principally with reference to the issue of certificates of competency or service to masters, engineers, and engine-drivers, the suspension or cancellation of those certificates, and the power of making rules for carrying out the purposes of the Act.

Hindu University.—The Benares Hindu University Act, 1915 (No. 16), establishes and incorporates a Hindu University at Benares. The five Universities previously established in India (at Calcutta, Madras, Bombay, Lahore, and Allahabad) were modelled on the London University, their functions being limited to the holding of examinations and the conferring of degrees. The Benares University, in addition to these functions, will provide teaching and residence for students. Though primarily intended for Hindus, the University is open to persons of all classes, castes, and creeds throughout India.

The Governor-General of India is the Lord Rector of the University and the Lieutenant-Governor of the United Provinces of Agra and Oudh is "Visitor." The governing body is a numerous and representative Court, and the executive body of the Court is a Council consisting of two *ex-officio* members and not more than thirty elected members, five of whom are members of the Senate. The academic body is the Senate, consisting ordinarily of not less than fifty members; and its executive body is a Syndicate, consisting of two *ex officio* members and fifteen elected persons. The

[1] 5 & 6 Geo. V. c. 12.

Government are not represented in the University Court, and their powers of control are practically limited to inspection by the visitor and special intervention by the Governor-General in Council in case of emergency.

The University is incorporated " for the purposes, among others, of making provision for imparting education, literary, artistic, and scientific, as well as agricultural, technical, commercial, and professional, of furthering the prosecution of original research, and of giving instruction in Hindu theology and religion, and of promoting the study of literature, art, philosophy, history, medicine and science, and of imparting physical and moral training." The University Court is empowered to make statutes providing that instruction in the Hindu religion shall be compulsory in the case of Hindu students, and to make special arrangements for the religious instruction of Jain or Sikh students; but no provision is made for the religious instruction or examination of other sects.

2. MADRAS.

Acts passed—2.

Intoxicating Liquors.—The Madras Abkari Act Amendment Act, 1915 (No. 1), amends an Act of 1886 by providing penalties for rendering or attempting to render denatured spirit fit for human consumption.

Port Trust.—The Madras Port Trust Amendment Act, 1915 (No. 2), makes some minor amendments in the Port Trust Act of 1905.

3. BOMBAY.

Acts passed—5.

Town Planning.—The Bombay Town Planning Act, 1915 (No. 1), recites in its preamble the expediency that the development of certain areas should be regulated with the general object of securing proper sanitary conditions, amenity, and convenience to the persons living in such areas and in neighbouring areas. It provides for the preparation and working of town planning schemes, with the usual provisions. It applies in the first instance to Salsette Island—a densely populated district just north of Bombay—in which a large number of villa residences have recently been built by wealthy

Bombay merchants. It may be extended by notification to other parts of the Bombay Presidency, but is not to be extended to any part of the city of Bombay except on the application of the municipal corporation of that city.

Coast Light Dues.—The Sind Coast Lights Act, 1915 (No. 2), provides for the imposition of coast light dues on vessels using ports on the coast of Sind.

Decentralisation. — The Bombay Decentralisation Act, 1915 (No. 3), provides, by means of scheduled amendments of several Bombay Acts, for the decentralisation of powers exerciseable under those Acts, thus following the lines of the Act of 1914 passed by the Governor-General in Council.

Survey.—The Bombay City Survey Act, 1915 (No. 4), authorises the Governor in Council to have a survey made of the lands situated in the town and island of Bombay, with a view to the preparation of a survey map and register.

Pilgrims. — The Bombay Protection of Pilgrims (Amendment) Act, 1915 (No. 5), makes some amendments in the Bombay Act 2 of 1887, which regulates the conveyance by sea of pilgrims to Jeddah.

4. BENGAL.

Acts passed—5.

The first four of the Bengal Acts make minor amendments in the Acts relating to the Calcutta Port, Calcutta improvements, embankments in the "Sundarbans," and steam-boilers and prime movers. The Bengal Decentralisation Act, 1915 (No. 5), proceeds on the same lines as the Bombay Act noticed above.

5. BIHAR AND ORISSA.

Acts passed—2.

Patna Administration. — The Patna Administration Act, 1915 (No. 1), provides for the administration of the area containing the headquarters of the local Government of Bihar and Orissa. The local Government is to have power to impose taxes which could be imposed by Municipal Commissioners if Patna were a municipality under the Bengal Municipal Act, 1884, but the provisions of that Act are made capable of being applied to Patna with the necessary

modifications and adaptations, and there is to be a local committee corresponding to the municipal committees under the Bengal Act.

Excise.—The Bihar and Orissa Excise Act, 1915 (No. 2), is a long and elaborate Act which, for the new province, takes the place of the Bengal Excise Act, 1909.[1]

6. ASSAM.

Acts passed—2.

Local Government.—The Assam Local Self-Government Act, 1915 (No. 1), is a measure of nearly 100 sections which sets up local boards with chairmen appointed by the local Government, and with members who are partly appointed and partly elected, but of whom the majority are to be elected. A village authority may also be appointed for any area declared to be a village. There are elaborate provisions as to the powers, duties, and finance of the boards and authorities. A separate chapter contains special sanitary provisions relating to the sale of food and drink, but the chapter only applies to an area to which it is specially extended.

Interpretation.—The Assam General Clauses Act, 1915 (No. 2), corresponds to the General Clauses Act of the Governor-General's Council and to the English Interpretation Act of 1889.

These were the first Acts passed by the new Assam legislature.

7. UNITED PROVINCES.

Acts passed—6.

Acts 1, 2, 4, and 5 amended some details in previous Acts relating to excise and district boards, and to the alienation of land and the management of encumbered estates in Bundelkhand. Act No. 3 laid down regulations similar to those in force in some other provinces, about the inspection and management of steam-boilers, prime movers, internal combustion engines, and other machinery. Act No. 6 made some special provisions as to land revenue, agricultural tenancies, and cognate matters in the Parjana of Kaswar Raja in the Benares district. These provisions are, as was natural, highly technical in their character. For instance, one of the sections makes provision for the *wapsi nilam* right of a land-holder to reinstate a tenant whose holding has been sold for arrears of rent.

[1] No. 7 of 1889.

8. CENTRAL PROVINCES.

Acts passed—4.

The most important of the Acts passed by the new legislature for the Central Provinces is an Excise Act (No. 2) of 69 sections, which supersedes and repeals four previous enactments on the same subject. Of the other three Acts No. 1 amends the Court of Wards Act, No. 3 amends the Vaccination Act and No. 4 regulates the slaughter of animals in the interests of humanity and of health.

9. BURMA.

Acts passed—1.

Medical Practitioners.—The single Act passed by the Burma legislature provides for the registration of medical practitioners in Burma on lines similar to those of Acts passed for other provinces.

10. REGULATIONS UNDER 33 VICT. c. 3. (*Now s. 71 of the Government of India Act*, 1915.)

Regulations made—2.

Regulation No. 1 of 1915 consolidates, with amendments, the Excise Law in force in Ajmer-Merwara, Coorg, and British Baluchistan. Regulation No. 2 amends the Regulation of 1876 for the Andaman and Nicobar Islands.

11. ORDINANCES UNDER 24 & 25 VICT. c. 67, s. 1. (*Now s. 72 of the Government of India Act*, 1915.)

Ordinances made—3.

The first two of these Ordinances, relating to paper currency and legal proceedings against soldiers, have since been superseded by later Acts of the Governor-General in Council (see above).

The Defence of India Ordinance (No. 3) was made later in the year, on November 10, and extended the powers given by the Defence of India (Criminal Law Amendment) Act, 1915, by adding to the purposes for which rules may be made. Additional rules may give powers for taking over and using for war purposes factories, workshops, mines, and other industrial concerns and regulating work therein, and also for regulating the sailings of British steamers from ports in British India and for reserving accommodation in those steamers.

VI. EASTERN COLONIES.

1. CEYLON.

[*Contributed by* L. MAARTENSZ, ESQ., *Additional District Judge, Colombo.*]

Ordinances passed—24.

Registration of Dentists (No. 3).—The object of this Ordinance is to provide a system for the registration of dentists practising in the Island. For this purpose it provides for the keeping of a Register, its publication and periodical revision.

The persons entitled to be registered are (*a*) any person entitled to practise as a dentist in the United Kingdom; (*b*) any person who has passed through a course of study and examination prescribed by the Council of the Ceylon Medical College; (*c*) any person possessing a foreign or colonial qualification in dentistry or dental surgery as may be recognised by the Council of the Ceylon Medical College.

All dentists of His Majesty's Navy and Army serving in Ceylon on full pay are deemed to be registered under the Ordinance.

The Ordinance prohibits unregistered persons from (*a*) taking or using the name or title of dentist; (*b*) practising dentistry or dental surgery for gain; (*c*) performing for gain any dental operation or service.

Unregistered persons are precluded from recovering their charges by process of law.

Ceylon Penal Code.—Ordinance No. 7 amends ss. 120 and 180 of the Penal Code, and introduces a new section numbered 392A which declares that a person who receives a postal article on behalf of some other person from a postal officer and destroys, keeps, secretes, or fails to deliver it within a reasonable time shall be guilty of criminal breach of trust.

Attention to the necessity of this section was drawn by the case of a public officer who intercepted a series of communications addressed to the head of his department containing complaints against himself. It was found that under the existing law the offender could not be brought to justice on this account.

Trustees.—Ordinance No. 9 provides that, if any property is given in trust to any person in an official capacity, the title to

that property shall devolve on his successors in office for the time being without any conveyance.

Patents, Designs, and Trade Marks.—Ordinance No. 10 follows exactly upon the lines of the Patents, Designs, and Trade Marks Temporary Rules Act, 1914, of the United Kingdom. Its objects are (*a*) to allow in fit cases the privileges in respect of patents, designs, and trade marks granted to subjects of enemy States to be suspended during the war and temporary grants to be made to other persons; (*b*) to allow the same rules that have been enacted in the United Kingdom to be enacted in Ceylon, precluding any of the privileges referred to being granted to an enemy subject during the war, and restricting the power of enemy subjects to oppose any application by a British subject.

Criminal Procedure.—Ordinance No. 18 introduces an amendment of the Criminal Procedure Code, 1898. It empowers the Governor by warrant under his hand to direct the trial of a person charged with the offence of sedition by the Supreme Court at bar by three judges without a jury.

Housing and Town Improvement.—Ordinance No. 19 deals comprehensively with the measures necessary for the prevention of the spread of plague and other epidemics, the protection of the poorer and labouring classes against insanitary conditions, and the improvement of the City of Colombo and other places in the Colony.

The Ordinance is divided into four parts. Part I consists of definitions and explanations. Part II. deals with preventive measures in respect of buildings (Chapter I.) and streets (Chapter II.).

Chapter I. provides that no person shall (*a*) erect or re-erect any building within the limits administered by a "local authority" except in accordance with plans, drawings, and specifications approved in unity by the chairman; (*b*) make any alteration in any building within the limits administered by a "local authority" without the written consent of the chairman.

The schedule to the Ordinance provides definite standards for (1) the height of buildings, (2) the proportion of the site that may be built on, (3) the reservation of open spaces in the rear of buildings, and (4) the fitness for human habitation of each room in a building as regards dimensions and the provision of light and air.

Chapter II. defines the principles which regulate the provisions of streets in building development.

S. 17 lays down that persons desiring to develop their properties by building houses must dedicate streets for the purpose and construct them in accordance with the requirements of the local authority.

Rule 8 of the Schedule to the Ordinance provides a minimum width for streets.

Part III. Chapter I. s. 30 provides for the appointment by the Governor of a Board of Improvement Commissioners.

S. 31 lays down the powers and duties of Boards of Improvement.

Chapter II. provides for the carrying out of improvement schemes by Boards of Improvement.

S. 39 enumerates the types of improvement schemes.

Chapter III. lays down the measures which a local authority may take for dealing with obstructive buildings.

Obstructive buildings are those which affect ventilation or otherwise conduce to make other buildings unfit for human habitation or dangerous or injurious to health or prevent proper measures being carried into effect for remedying any nuisance injurious to health.

Chapter IV. deals with insanitary dwellings.

Part IV. Chapter I. provides for the acquisition of lands and buildings necessary for the purposes of the Ordinance.

Copyright.—Ordinance No. 21 defines the application to Ceylon of s. 14 of the Copyright Act of 1911, with the object of enabling the necessary protection to be given to authors enjoying the privilege of copyright in Ceylon against the importation into the Island of " pirated " copies of their books.

War Contribution.—Ordinance No. 24 empowers the Governor out of the general revenue of the Colony to pay to the Lords Commissioners of the Treasury a sum of £100,000 annually for a period of ten years from the financial year commencing October 1, 1915.

2. HONGKONG.

[*Contributed by* C. G. ALABASTER, ESQ., *sometime acting Attorney-General, Editor of the New Revised Edition of the "Laws of Hongkong."*]

Ordinances passed—35.

In many of the amending Ordinances passed during the year under review, a change has been made in the method of drafting. New clauses introduced into the statute law by amending Ordinances have not been numbered with a view to the position which the Legislature intended them to take in the general arrangement of the principal Ordinances; but, instead, the reader is told in s. 1 that the sections which follow " shall be read and construed as one with " the principal Ordinance.

Stamps.—The Stamp Ordinance (No. 1) gives the Governor in Council power " notwithstanding anything in the principal[1] Ordinance contained " in any special and exceptional cases to authorise the Collector to stamp after execution any document whatsoever liable to stamp duty either without any penalty or subject to a penalty rising from double the amount of the deficient duty in the case of stamping within one month of execution to ten times that amount if stamped after two months. The Ordinance also makes unnecessary the consent of the Attorney-General to prosecutions under ss. 28–30 of the Stamp Ordinance, 1901.

Military Stores.—The Military Stores (Exportation) Ordinance (No. 3) provides a specific penalty (twelve months' hard labour and a fine not exceeding 5,000 dollars) for acts done in contravention of proclamations prohibiting the exportation of certain articles.

Private Bills.—The Private Bills Ordinance (No. 5) requires the promoters of every private Bill to pay to the Colonial Treasurer for the use of the general revenue of the Colony a fee of 500 dollars, a private bill being defined as one " by which individual rights or interests of property may be peculiarly affected or the primary object of which is to promote the interests of persons or corporations rather than those of the community at large."

Sedition.—The Seditious Publications (Possession) Ordinance (No. 6), as its name implies, makes the possession of any document containing seditious matter an offence. It also throws on the

[1] Ordinance No. 16 of 1901, s. 8.

defendant the burden of proving the absence of guilty knowledge and the existence of lawful authority or excuse.

Certificates of Origin.—By the Certificates of Origin Ordinance (No. 8) no person except under licence from the Governor may import any goods from Norway, Sweden, Denmark, Holland, Switzerland, or Italy, without a permit from the Superintendent of Imports and Exports, who is not to issue any such permit without the production of a certificate of origin signed by some British consular authority at the port of shipment or place of origin. Special provisions permit the immediate production of the certificate to be dispensed with where the importer deposits a sum, or enters into a bond in a sum, equal to three times the value of the goods guaranteeing the production of the certificate within a time to be prescribed by the Superintendent. The Ordinance also requires the owners, charterers, and agents of every ship arriving in the waters of the Colony to furnish signed manifests.

Declarations of Destination.—A similar enactment is the Declarations of Ultimate Destination Ordinance (No. 9), which requires such declarations in the case of exports to every place in Europe or on the Mediterranean or Black Seas with the exception of those situated in Russia, Belgium, France, Spain, Portugal, the United Kingdom, or any British possession or protectorate.

Alien Enemies' Affairs.—The Alien Enemies (Winding-up) Amendment Ordinance (No. 11) protects the liquidators appointed under the principal Ordinance (No. 28 of 1914)[1] by requiring the permission of the Governor before any action or other legal proceedings can be brought by or against any such liquidator in respect of the trade or personal affairs of any alien enemy, or against any alien enemy whose trade or personal affairs a liquidator has been appointed to wind up. Judgments given in proceedings by or against the liquidators are made binding on the enemy. By s. 9 no liquidator may without the express permission of the Governor assign away the goodwill of the trade or of any part of the trade which he was appointed to wind up, or any trade mark used in connection therewith.

Trading with the Enemy.—Three Trading with the Enemy Amendment Ordinances were passed during the year under review (Nos. 12, 22 and 28). No. 12 extends s. 2 of No. 25 of 1914 to the

[1] See Review of Legislation, 1914, p. 55.

war with Turkey, invalidates assignments of choses in action by enemies unless made with the leave of the Governor or before the war, and invalidates the transfer of shares. It is based largely on ss. 6, 8, 10, 12, 13 and 14 of 5 Geo. V. c. 12. No. 22 introduces further provisions taken from 5 Geo. V. c. 12, and so does No. 28, which also borrows from 5 & 6 Geo. V. c. 79.

Estate Duty.—The Estate Duty Ordinance (No. 16), which came into force on January 1, 1916, provides for the first time for the levy of estate duty payable in respect of the estates of deceased persons.

Post Office.—The Post Office Amendment Ordinance (No. 17) forbids the sending or conveying of letters out of the Colony except through the post or under the authority of the Postmaster-General. These provisions are very necessary both to prevent intriguing by the enemy subjects in China with the native population and with the prisoners of war (who towards the end of the year were removed to Australia) and to prevent the Colony being made the headquarters of Chinese revolutionists, who were planning the revolt of the Southern Provinces.

Travellers' Restriction.—Another war enactment is the Travellers' Restriction Ordinance (No. 19), which regulates the entrance to and departure from the Colony of all travellers. Those arriving may not leave their ship until they have passed a police or examination officer, and they cannot leave the Colony without a pass from the police. Special obligations as to the registration of visitors are placed on the proprietors of hotels and lodging-houses and the secretaries of clubs. The provisions as to the obtaining of passes by those leaving the Colony apply to all non-Asiatics, and to Indians, but it has been found impracticable to apply them to Chinese.

Chinese Extradition.—The Chinese Extradition Amendment Ordinance (No. 20) throws on the fugitive for whose surrender a requisition is made the burden of proving affirmatively that he is not a subject of China. In the case of *Re Wong Ka Cheong*,[1] followed in the case of *Rex* v. *Sun A Wan*,[2] it had been held that it was for the Crown to prove that the fugitive was a subject of China, and as such within the scope of the principal Ordinance.[3]

Asiatic Emigration.—The Asiatic Emigration Ordinance (No. 30),

[1] 1 H.K.L.R. 13. [2] 5 H.K.L.R. 33. [3] No. 7 of 1889.

which is passed under the Chinese Passengers Act, 1855,[1] repeals the Chinese Emigration Ordinance, 1889, many of the provisions of which had become obsolete, and amends and consolidates the law relating to "Chinese passenger ships" as defined by the Act of 1855, and concerning Asiatic emigrants generally.

Companies.—The Companies Ordinance (No. 31) made the amendments in the companies law which were rendered necessary by the China (Companies) Order in Council, 1915.

Imports and Exports. — The Importation and Exportation Ordinance (No. 32) made it lawful for the Governor in Council to prohibit the importation or exportation of any article either generally or from or to a particular country or place, and to control the conditions of importing and exporting generally.

Deportation.—By the Deportation Ordinance (No. 35) it is made lawful for the Governor to order that a person against whom a deportation order has been issued shall depart from the Colony by a particular ship, whatever the immediate or ultimate destination of the said ship may be; but this power is not to be exercised in such a way as to ensure the return of a person discharged as a result of extradition proceedings to a place in the territory of the State by which his surrender was demanded. This proviso, the intention of which is obvious, hardly goes far enough to prevent the simple procedure of deportation taking the place of the cumbersome machinery of extradition; but sufficient time has not yet elapsed to show its practical results.

3. STRAITS SETTLEMENTS.

[*Contributed by* A. DE MELLO, ESQ.]

Ordinances passed—33.

A great part of the legislation of this year was directed to consolidating and amending past enactments, and still another considerable part to dealing with the special circumstances arising out of a state of war.

Banishment.—No. 18 consolidates the Ordinances on the subject beginning from 1888, and introduces several amendments of which the chief is the inclusion of (*a*) all British possessions, (*b*) all States in the Malay Peninsula, (*c*) all British Protectorates and Protected

[1] 18 & 19 Vict. c. 104, s. 2.

States, in lieu of "Johore and the Malay States" only mentioned in Ordinances Nos. 2 of 1896 and 2 of 1899. This amendment permits of persons banished from such countries residing in the Colony, or if brought in custody to the Colony for deportation to China or elsewhere being now detained in the Colony till they can be conveniently conveyed to their ultimate place of banishment.

Companies.—No. 25, the most important enactment of the year, consolidates and amends the old and effete Ordinances on the subject beginning from 1889. The amendments are modelled on those amendments of the Imperial statute of 1862 which have been made since the date of the now repealed Ordinance No. 5 of 1889, and which are now embodied in the Imperial Companies Acts, 1908 to 1913.

Crown Lands.—No. 24 amends the principal Ordinance (No. 2 of 1886) by (1) instituting in future Crown grants of land an implied statutory condition that the Government might demarcate a road adjacent to the land granted for facilitating access by one owner to his land over the property of his neighbour, (2) by permitting grantees of Crown land to lease it in parcels for any term not exceeding seven years.

Currency.—No. 5 consolidates, with some amendments, the law on the subject comprised in nine Ordinances beginning from 1899, *i.e.* prior to the fixation of the exchange at 2*s.* 4*d.* = $1 (Straits currency).

Libel.—No. 7 extends protection to newspaper reports of the proceedings of public meetings and of various public bodies, to which (unlike judicial proceedings) no privilege attaches at common law. If a report of proceedings of a public meeting containing any defamatory statement of facts were printed in a newspaper, the proprietor had hitherto no defence to an action for damages, unless he could prove the statement to be literally true; the fact that the report was merely "fair and accurate" did not avail him. Under the present Ordinance, such reports are placed on the same footing as reports of judicial proceedings, and the newspaper containing a "fair and accurate" report of such proceedings will not be liable, unless malicious publication is proved.

S. 13 confers "absolute privilege" on members of the local Legislative Council similar to that enjoyed by members of Parliament in England.

The other sections are taken from the English statutes (*e.g.* 44 & 45 Vict. c. 60) which were passed with the view of putting the law of libel on a more satisfactory footing.

Marriage. — Ordinance No. 22 facilitates marriages between British subjects by enacting provisions constituting the condition precedent to the issue of H.M. Order in Council applying s. 1 of the Imperial Act, 5 & 6 Vict. c. 40, to this Colony.

Ordinance No. 26 gives effect to the regulations relating to notice of marriage contained in the Foreign Marriages Order in Council, 1913 (made under the Foreign Marriages Act, 1892, 55 & 56 Vict. c. 23), by substituting the period of " one week " for " three weeks " in ss. 51*a* and 51*c* of the Christian Marriage Ordinance (No. 3, 1898), and also provides that the publication of banns is not a valid form of notice under the above-mentioned Imperial Act of 1892 or the Order in Council of 1913.

Midwives.—With a view to the reduction of infantile mortality, Ordinance No. 9, for the first time in the history of the Colony, provides (1) that instruction shall be given to women in all the duties of a midwife, and that certificates of proficiency may be granted ; (2) that any woman can be registered as a midwife who holds the certificate or possesses the requisite qualifications ; (3) that a woman who is not so registered under the Ordinance as a midwife shall not practise midwifery in any municipality or rural district within which the Bill operates.

Public Trustee.—In order to meet the increasing difficulty of finding suitable persons to act as trustees, and to safeguard beneficiaries against fraudulent misappropriation by trustees, Ordinance No. 3, modelled on the Imperial statute of 1906 (6 Edw. VII. c. 55) and the New Zealand Public Trust Office (Consolidation) Act, 1908, creates the office of " Public Trustee," to be a corporation sole. The Public Trustee (1) may be appointed trustee of any will or settlement or other instrument creating a trust ; (2) may accept the office of executor or administrator ; (3) may administer in place of the Court estates under $5,000 in value ; and (4) may investigate and audit the accounts of trusts not administered by him.

The Treasury guarantees the beneficiaries against breaches of trust by the Public Trustee, including the acts and defaults of his officers. For his services and the Treasury's guarantee, the Government charges fees in the form of a commission on capital and income.

Quarantine and Prevention of Disease (No. 33).—This Ordinance consolidates eight others, beginning with the Vaccination Ordinance, 1868, and ending with the Infectious Diseases Ordinance, 1913,[1] and provides safeguards against (*a*) the introduction into the Colony of plague, cholera, small-pox, yellow-fever, and other infectious diseases affecting either man or animals; (*b*) the spreading of infectious diseases in the Colony, whether introduced from abroad or not; (*c*) the transmission from the Colony of plague, cholera, small-pox and yellow-fever and any disease affecting cattle.

The most important amendments are (*a*) the inclusion of an arbitrary standard of "epidemicity" (such as has been used in local practice for some years) in order to regulate the uniform imposition of quarantine restrictions against infected ports (s. 2); (*b*) the recognition for the first time as "suspected" of any port at which infectious disease may exist in a merely sporadic state (s. 48); (*c*) the measures to be taken to prevent the transmission from the Colony of plague, cholera, small-pox, and yellow-fever (ss. 48–64); (*d*) the provisions against the introduction of infectious disease by road or rail (ss. 65, 66); (*e*) the vaccination of immigrants and children under twelve years before landing in the Colony (s. 43), of the inmates of the prison and other public institutions (s. 44), and of pupils before admission to Government schools (s. 45).

Registration of Deeds. — No. 6 consolidates ten Ordinances beginning with No. 13 of 1886, and introduces a few amendments.

The chief amendment provides that instruments shall be *provisionally registered*, and that the conditions precedent to complete and *permanent registration* must be performed within six months. If the registration is not completed within six months, *i.e.* if the provisions of s. 15 are not complied with within that period, the provisional registration is null and void. On the other hand, if the registration is completed within six months, the date of provisional registration is deemed to be the date of registration.

Under the law hitherto in force, it was optional for the Governor in Council to provide by rules for provisional registration. Under the present Ordinance provisional registration is provided for, and must precede permanent registration. Such provisional registration operates in favour of the person desiring to register an instrument.

[1] See Review of Legislation, 1913, p. 18.

Reserve Force and Civil Guard.—No. 12, passed in August 1915, empowers the Governor to establish a "Reserve Force" to the Volunteer Force, to call out men to undergo a military training, and, to establish a "Civil Guard."

The men liable to serve in the *Reserve Force* or to undergo military training are British subjects of pure European descent between the ages of eighteen and thirty-eight years: such men can elect to serve in the Reserve Force or to undergo military training without joining the Reserve Force.

The men liable to serve in the *Civil Guard* are British subjects of pure European descent between the ages of thirty-eight and fifty-five years.

To ensure that all British subjects referred to above do not escape the liability imposed by the Ordinance, it is provided that all such British subjects shall make a return to the Chief Police Officer of the Settlement in which they are residing of the particulars set out in s. 2.

The Ordinance repeals Part I. of the Preservation of the Peace Ordinance (No. 6 of 1872), which empowered the Governor to cause every able-bodied person, within a Settlement where any breach of the peace is apprehended, to be sworn in as a special constable.

The mutiny in February 1915 of the 5th Bengal Light Infantry stationed in Singapore had shown that such a measure was urgently needed, so that, when occasion does arise in the future for all able-bodied men to bear arms, they will know how to use them. A similar Enactment [1] was passed in the Federated Malay States in December 1915.

Voluntary Conveyances.—Owing to the construction put upon the statute 27 Eliz. c. 4 (a statute passed for the protection of purchasers) by the Courts in England prior to 1893, a voluntary grantor could defeat his own grant at any subsequent time, however honestly the grant might originally have been made, and no voluntary grantee, however strong the moral obligation on his grantor to support his grant might be, had any security of tenure during the life of the latter.

Ordinance No. 27, modelled on the English Voluntary Conveyances Act, 1893, and analogous enactments in Canada, New South Wales, Victoria, New Zealand, and Tasmania, provides that no

[1] No. 21 of 1915: see *infra*, p. 157.

purchaser for value shall defeat a prior voluntary conveyance of the same lands, if *in fact* such conveyance was made *bona fide* and without fraudulent intent.

Emergency Legislation.

This naturally forms a large part of the legislation of the year, and comprises subjects such as—

Alien Enemies' Winding-up.—Ordinances Nos. 1 and 19 amend the principal Ordinance, No. 29 of 1914.[1] The first of these amending Ordinances introduces the following important changes:

(*a*) No proceedings can be brought in bankruptcy or winding-up against an alien enemy or enemy company whose business is being wound up by a liquidator appointed under the principal Ordinance, nor can any such proceedings be brought against the liquidator (ss. 2 (*d*) and 3);

(*b*) no such alien enemy can file a petition for his own bankruptcy (s. 3);

(*c*) when an enemy company is being wound up under the Ordinance, no resolution to wind up voluntarily such company shall be valid (s. 3);

(*d*) property held by a liquidator cannot be attached or otherwise taken into execution (s. 2 (*d*));

(*e*) the expenses of audit and of obtaining legal advice and of taking legal proceedings are declared to be expenses that may be legally incurred by the liquidator in the course of winding up (s. 2 (*g*));

(*f*) the commission payable to the liquidator is not a fixed percentage irrespective of the work done, as in the principal Ordinance, but is to be determined by the Governor in each case, and cannot exceed 3 per cent. (s. 2 (*g*));

(*g*) rates and taxes are given priority to other debts (s. 2 (*h*));

(*h*) debts due to persons and companies residing or trading in the Colony are given priority to debts due to persons and companies outside (s. 2 (*h*));

(*i*) the power to disclaim onerous property, possessed by the Official Assignee under s. 52 of the Bankruptcy Ordinance, 1888, has been also given to a liquidator (s. 2 (*e*));

[1] See Review of Legislation, 1914, p. 357.

(*j*) a secured creditor is treated in the same manner as under the said Bankruptcy Ordinance (s. 2 (*h*));

(*k*) power is given to a liquidator or any creditor of the business in liquidation to have any question affecting the rights of a creditor, and all questions arising in the liquidation, determined by the Supreme Court (s. 2 (*j*)).

The latter of the above Ordinances (No. 19) enacts, in view of the judgment dated September 9, 1915, of the Supreme Court, Singapore, in the *Hongkong and Shanghai Bank* v. *Behn, Meyer & Co., in liquidation* (in Originating Summons 40 of 1915), that the assets of an alien enemy or enemy company being wound up are to be applied by the liquidator in payment only of liabilities incurred in respect of trade carried on *in the Colony*. This, undoubtedly the original intention of the legislature, was not clearly expressed in the principal Ordinance.

Arms and Explosives.—Two Ordinances (Nos. 20 and 21) rendered necessary by the requirements of the present war amend the principal Ordinance, No. 9 of 1913,[1] on the basis of the recent statutes of the United Kingdom.[2]

Post Office.—No. 14 makes it an offence to smuggle letters, and thus prevent the arrangements for censoring postal correspondence from being defeated by passengers conveying it on their persons or in their luggage. A similar measure has been passed in the Federated Malay States.[3]

Imports and Exports.—No. 32 contains provisions after the manner of the Customs (War Powers) Acts, 1915, at home[4] about (*a*) shipment of prohibited or restricted goods or stores; (*b*) marking of documents relating to goods exported; (*c*) landing certificates of goods exported under licence; (*d*) declarations of ultimate destination of exported goods; (*e*) seizure of imported goods suspected to be of enemy origin; (*f*) seizure of goods suspected to be imported in contravention of the law relating to trading with the enemy; and (*g*) admissibility as evidence of certificates of collectors of customs.

Patents.—It is unlawful for an alien enemy patentee to manufacture or sell in British territory, while the war lasts, any

[1] See Review of Legislation, 1913, p. 16.

[2] 4 & 5 Geo. V. c. 64; 5 & 6 Geo. V. c. 52; and of s. 43 of 39 & 40 Vict. c. 36.

[3] See Enactment No. 19, *infra*, p. 157.

[4] 5 Geo. v. c. 31, and 5 & 6 Geo. v. c. 71.

of the articles or apply any of the processes in respect of which he has a monopoly. At the same time, the sale or manufacture of non-enemy products, under circumstances which would involve an infringement of an enemy patent, would be the subject of an action at the suit of the enemy patentee on the conclusion of the present war.

To meet the above position, Ordinance No. 16, modelled on the statutes of the United Kingdom,[1] empowers the Governor in Council to avoid or suspend any patent to which the subject of an enemy State, or any person residing or trading in such State, or any company controlled by or wholly or mainly carried on for the benefit of subjects of any such State, is entitled, or to grant a licence to any person other than the person so entitled to exercise the exclusive rights which, but for the war, would have been exercised by the person so entitled.

Seditious Publications.—No. 11 provides against the dissemination of seditious newspapers, books, and other documents.

Trading with the Enemy.—Of the three Ordinances (Nos. 4, 10, and 30) amending the principal Ordinance, No. 25 of 1914,[2] the first reproduces the provisions of the Act of the United Kingdom, 5 Geo. V. c. 12, and provides for the appointment of a "Custodian" to whom moneys due to enemies may be paid, and in whom property belonging to enemies may be vested. It also extends the scope of the principal Ordinance by (*a*) prohibiting attempts to trade, or proposals to trade, or abetting others to do so, whether in the Colony or not; and (*b*) authorising the appointment of a controller in any case where the public interest requires it.

The second of the above-mentioned Ordinances (No. 10) puts all subjects of an enemy State, wherever interned or wherever residing or carrying on business, in the same category as persons residing or carrying on business in such State so far as the provisions of Ordinance No. 4 above referred to, relating to the payment of moneys to and the vesting of property in the Custodian, are concerned.

Finally, Ordinance No. 30 reproduces, *mutatis mutandis*, the provisions of the Act of the United Kingdom, 5 & 6 Geo. V. c. 79, and extends (*a*) the range of payments which, under Ordinance No. 4, are to be made to the "Custodian," and of property the holding of

[1] 4 & 5 Geo. V. cc. 27 and 75. [2] See Review of Legislation, 1914, p. 57.

which must be notified to him; (2) the provisions of the principal Ordinance, No. 25 of 1914, respecting transfer and assignment of securities, debts, and other choses in action to persons who are treated as enemies under any Proclamations relating to "enemy trading."

4. FEDERATED MALAY STATES.

[*Contributed by* A. DE MELLO, ESQ.]

Enactments passed—29.

Advocates and Solicitors. — No. 26 reduces certain exclusive privileges granted to advocates and solicitors by Enactment No. 22 of 1914.[1] Representations were made to the Government, on the one hand that, so far as regards the drawing of instruments, these privileges constituted a hardship to a class of writers who had, prior to December 1914, been unrestricted in turning to account their acquaintance with the English language by drawing simple plaints, statements of defence, affidavits, and other documents for those who chose to employ them, and by filling in for such persons the statutory forms prescribed for dealings in land. Representations had also been received, on the other hand, from Malays and others, who had been accustomed to employ these writers, as to the trouble and expense caused by the partial prohibition of their services.

Arms.—No. 13 supersedes the State Firearms Enactments of 1902, and as a means of prevention of crimes of armed violence, by no means infrequent, is a welcome law. Many of the new provisions with regard to firearms are generally similar to those of the existing laws, but the scope of the new Enactment is much wider inasmuch as it is not restricted to firearms, but includes the various other arms mentioned in s. 2, for the regulation of which there was previously no legislative provision in these States.

The penalties provided are, in the case of the more serious offences, such as illegal possession, illegal dealing, and illegal importation, far more severe than those provided in respect of firearms by the prior laws. Various additional provisions include prohibition of export of arms without licence (ss. 13 and 15), power

[1] See Review of Legislation, 1914, p. 66.

to restrict to particular ports and places the importation and exportation of arms (s. 16), precautions against illicit importation (s. 17), penalties on vessels whereby illicit importation or exportation is effected (s. 23), information as to arms lost or destroyed, and new powers of inspection, search and arrest (ss. 25 to 29). The enhanced penalties provided, and many of the provisions as well as the new scale of fees in the third schedule, correspond to those in force in the Straits Settlements under Ordinance No. 9 of 1913.[1]

Customs.—No. 7 modifies the States Enactments of 1907 (which were framed with special regard to arrival of dutiable goods by *sea*) to cover goods arriving by *land*.

Education.—No. 5 imposes an education rate as in the Colony under Ordinance No. 16 of 1909.[2]

Excise.—No. 6 re-enacts the States Enactments of 1908 as a federal measure, and prohibits importation or sale of tobacco without licence.

Fugitive Offenders.—No. 15 remodels and provides a satisfactory basis for the surrender of fugitive criminals between the States on the one hand, and the United Kingdom, British Possessions, and British Protectorates on the other.

Though the surrender of criminals to foreign countries had hitherto been regulated by Enactment No. 26 of 1914,[3] there was no legislative provision as regards British Possessions and Protectorates, save the Straits Settlements, Hongkong, Ceylon, and British India (Enactments of 1903). The Fugitive Offenders Enactment,[4] which was passed to regulate extradition between the Federated Malay States and the other States ceded to British Protection by the Treaty with Siam of March 10, 1909, had never been brought into force, as it was intended to deal with the whole subject more comprehensively in the present Enactment on the basis of the Fugitive Offenders Act, 1881,[5] as amended in 1915 by 5 & 6 Geo. V. c. 39. The Rulers of the individual Malay States having formally expressed their desire that the condition of fugitive criminals as between their States on the one hand, and the United Kingdom, British Possessions, and all places to which the Fugitive Offenders

[1] See Review of Legislation, 1913, p. 16.
[2] See Journal, vol. xi. p. 363.
[3] See Review of Legislation, 1914, p. 64.
[4] No. 11 of 1912: see Journal, vol. xiv. p. 88.
[5] 44 & 45 Vict. c. 69.

Act, 1881, may be applied by Order in Council, on the other hand, should take place under the provisions of that Act, the present Enactment was passed to permit of the Act being applied to the States by an Order of His Majesty in Council.[1]

Lunacy.—No. 12 re-enacts the State Enactments of 1898, and also removes certain obstacles which Part II. of those Enactments presented to the speedy admission of lunatics from the States into the General Lunatic Asylum, Perak, for treatment.

Marriage.—The first (No. 1) of two Enactments relating to marriage provides for the celebration of Christian marriages of various denominations on the basis of the Straits Ordinance, No. 3 of 1898.

The second Enactment (No. 20) provides, like the Straits Ordinance No. 22 of 1915 (see *supra*, p. 148), for the receipt of notices of marriage under the Foreign Marriage Act, 1892.

The subject of registration of re-union or re-marriage of Mohammedan spouses (*rojok*) after divorce is provided for by Enactments amending the Mohammedan Marriage and Divorce Enactments of the individual States of 1902.

Printing and Books.—No. 17 establishes control over printing presses and publications, a matter as to which no special local legislation existed except that contained in the Perak Order in Council No. 17 of 1895 and Selangor Enactment No. 6 of 1898, both of which related to the registration of books locally published. Ss. 3 to 10 follow generally the provisions of the Indian Act, No. 11 of 1835, which is in force in the Straits Settlements; the other clauses reproduce the effect of the above Perak and Selangor Laws which were adapted from the Book Registration Ordinance (No. 15 of 1886) of the Straits Settlements.

Emergency Legislation.—Comprised in such enactments are the following:

Alien Enemies (Winding-up) Enactment (No. 10), which reproduces for the Federated Malay States the provisions of the Straits Settlements Ordinance on the same subject, No. 29 of 1914.[2]

Army Act (No. 8), which provides that the public in the Federated Malay States, as in the Straits Settlements since August 1914, should

[1] On this subject see further the present writer's *Manual of the Law of Extradition and Fugitive Offenders applicable to the Straits Settlements*, pp. 183 to 260.

[2] See Review of Legislation, 1914, p. 57.

be subject to military law, with necessary exceptions and modifications, for the purposes of the Army Act in case circumstances should render it desirable to bring it into operation.

Conveyance of Letters.—No. 19 imposes a surveillance of correspondence in the same manner as the Straits Ordinance No. 14 of 1915 (*supra*, p. 152) with a view to preventing smuggling of letters.

Public Emergency Amendment.—No. 9 subjects the public in the F.M.S. to military law in the same way as in the Straits Settlements under Royal Order in Council;[1] it also authorises making regulations for public safety on the analogy of the Defence of the Realm Consolidation Act, 1914.[2] These powers are to be exercisable only in times of public emergency when Enactment No. 1 of 1914 is in force, and the latter power is to be exercisable only in time of war.

Reserve Force and Civil Guard (No. 21).—This is a replica of the Straits Ordinance No. 12 passed in August 1915, in consequence of the mutiny of the 5th Bengal Light Infantry in February 1915.[3]

5. MAURITIUS.

[*Contributed by* E. KOENIG, ESQ., *Procureur-General.*]

Ordinances passed—42.

Local Improvements.—The Boards (Roads Improvement) Amendment Ordinance (No. 3) empowers the boards of townships to acquire any lands as well as buildings erected thereon for the public benefit and gives a right of appeal before the Executive Council to the owner against any such proposed acquisition.

Criminal Procedure.—The District Court (Criminal Jurisdiction) Amendment Ordinance (No. 5) relieves accused parties of the necessity of paying two or more bail bonds in allowing the district clerks, in the absence of the magistrate, to receive bail for the appearance of the parties charged before the magistrate, not merely at his next sitting as required by Art. 133 of Ordinance No. 23 of 1888, but also at any next sitting to which the case may be adjourned.

Criminal Law.—The Penal Code (Amendment) Ordinance (No. 6) brings the counterfeiting of notes issued by the Government of any British possession or of any foreign country, and the introduc-

[1] Published in *Government Gazette*, Notification 937/1914.
[2] 5 Geo. V. c. 8.
[3] See *supra*, p. 150.

tion, uttering, or possession of such counterfeit notes, within the scope of the Penal Laws.

Evidence.—The Evidence (Amendment) Ordinance (No. 7) dispenses with the sworn testimony of the Government analyst and of the Government veterinary surgeon in cases where a certificate is sufficient.

The Evidence (Amendment No. 2) Ordinance (No. 31) enacts that the English law on evidence, when applicable to the Colony, shall be the law in force for the time being instead of the law which was in force in 1881.

Rivers.—The Rivers (Amendment) Ordinance (No. 8) provides for the adoption of a uniform procedure in respect of the division of the waters of a river among the riparian owners.

Trading with the Enemy.—The Trading with the Enemy (Amendment) Ordinance (No. 9) and the Trading with the Enemy (Amendment No. 2) Ordinance (No. 40) reproduce the trading with the Enemy Amendment Act [1] and the Trading with the Enemy Amendment Act, 1915,[2] respectively, with certain modifications.

Diseases of Animals.—The Animal Diseases (Consolidation) Ordinance (No. 11) consolidates all our local laws on animal diseases.

Crown Lands.—The Crown Lands (Right of Way) Ordinance (No. 12) provides a speedier procedure for the acquisition of a right of way from Crown lands across private property.

Building Laws.—The Buildings (Consolidation) Ordinance (No. 13) consolidates and amends the laws relating to the construction, repair, and alteration of buildings.

Lodging-Houses.—The Common Lodging-Houses Ordinance (No. 15) makes better provision for the control and supervision of common lodging-houses.

Registration of Chemists.—The Registration of Agricultural Chemists Ordinance (No. 20) provides for the keeping at the Department of Agriculture of a register in which are to be entered the names of persons provided with colonial or foreign diplomas as agricultural chemists.

Markets.—The Public Health (Amendment) Ordinance (No. 21) allows the Director of the Health Department to prohibit by regulations the hawking of all articles of food without exception within a radius of one kilometre from public markets.

[1] 5 Geo. V. c. 12. [2] 5 & 6 Geo. V. c. 79.

Water Supply.—The Municipality (Shares of Water) Amendment Ordinance (No. 22) allows the Municipality of Port Louis to grant shares of water, when available, to owners of property situate outside the town and the district of Port Louis.

Marriage.—The Civil Status (Amendment) Ordinance (No. 26) facilitates the publication of marriage of British subjects coming from the United Kingdom, so as to meet the requirements of s. 1 (1) (*b*) of the Marriage of British Subjects (Facilities) Act, 1915.

Vanilla.—The Vanilla (Consolidation) Ordinance (No. 27) amends and consolidates the laws as to vanilla.

Post Office.—The Post Office and Telegraphs (Amendment) Ordinance (No. 28) prevents the unlawful introduction of correspondence into the Colony, and provides that letters to the Lesser Dependencies shall be carried free by all vessels conveying mails from Mauritius.

Licences.—The Licences (Consolidation) Ordinance (No. 32) consolidates and amends all the laws dealing with licences.

Patents.—The Patents, Designs, and Trade Marks (Temporary Rules) Ordinance (No. 33) extends the powers of the Governor in Executive Council, during the continuance of the present hostilities, to make Rules under the Patents (Amendment) and Designs Ordinance, 1913, and the Trade Marks (Amendment) Ordinance, 1913. It is borrowed from the Patents, Designs, and Trade Marks (Temporary Rules) Acts, 1914.[1]

Official Secrets.—The Official Secrets Ordinance (No. 34) reproduces with the necessary terminology ss. 1 to 9 and 12 of the Official Secrets Act, 1911.

Succession.—The Sales of Immovable Properties (Amendment) Ordinance (No. 35) and the Partition of Successions (Amendment) Ordinance (No. 36) reduce the cost of liquidation and partition of small successions the assets of which do not exceed Rs. 3,000, and fix the fees payable to sworn land surveyors, attorneys-at-law and notaries, respectively, appointed *ex-officio* for that purpose.

Church Affairs.—The Church Temporalities (Amendment) Ordinance (No. 41) empowers the Bishop of Mauritius to veto the appointments of the auditors and of the seat holders' churchwardens in case the persons appointed are ineligible.

Defence Force.—The Volunteer Force Ordinance (No. 42) pro-

[1] 4 & 5 Geo. V. cc. 27, 73.

vides for the establishment and regulation of a Volunteer Force in Mauritius. It reproduces the provisions of the Ceylon Volunteer Ordinance No. 8 of 1910 with some modifications.

VII. WEST AFRICA.

1. GAMBIA.

[*Contributed by* ALBERT GRAY, ESQ., C.B., K.C.]

Ordinances passed—24.

Copyright.—The provisions of ss. 11 and 12 of the Copyright Act, 1911, are applied to the Colony by No. 9.

Protectorate: Criminal Justice.—The Protectorate Ordinance of 1913 is amended by the addition of general provisions conferring upon head-chiefs and headmen all such powers as are necessary for the suppression of riots, prevention and detection of crime, and enforcing judgments. The powers and protection given are such as are given to justices, sheriffs, bailiffs, and constables in England. In any district in which there is no head-chief or headmen appointed, the Commissioner may exercise the powers (No. 10).

Customs.—The duty on spirits is fixed at 5*s.* 6*d.* per gallon on spirits containing 50 degrees of alcohol or less, with an additional 1½*d.* on every degree exceeding 50 degrees.

As to other imports, special duties are imposed on certain goods; all other goods pay a duty of 7½ per cent., except those in the schedule of exemptions, which is a fairly large one (No. 21).

Affidavits.—Affidavits and notarial acts in cases depending in the Colony may in foreign countries be sworn and taken before any British diplomatic or consular officer (No. 12).

Naturalisation.—The fees to be taken under the Naturalisation Act, 1914, are fixed by No. 13.

Criminal Procedure.—A very important amendment of this law is made by the Supreme Court (Amendment) Ordinance (No. 16), which seems to indicate the failure of trial by jury in this Colony. Trial by a judge and three assessors is substituted for trial by jury in cases of offences other than those punishable with death (1) where the accused elects to be so tried, or (2) where the prosecuting

counsel in the Supreme Court applies for an order for trial by judge and assessors. In such case, the order is to be made as of course. The assessors are taken from the panel of special jurors. Each of the assessors is to give his opinion orally, which is to be recorded in writing; but the decision is vested in the judge.

Passports.—The Governor is authorised to issue passports to British subjects, naturalised persons, and natives of the Protectorate. There is a fee of 5*s.*, and a declaration in forms set out in the schedule has to be lodged (No. 19).

Police.—An amendment of the ordinance of 1899, extending service (from twelve months) to " the end of the war " is made by substituting those words in the Act of 1899. It is hardly proper to attribute to the legislators of 1899 a knowledge of the war of 1914–16 (No. 20).

Marriage.—Marriage between a British subject resident in the United Kingdom and one resident in the Colony or Protectorate may be solemnised on a certificate issued by a registrar in the United Kingdom or a certificate of the publication of banns (No. 23).

Emergency Legislation.

Trading with Enemy.—The Ordinance of 1914 is extended so as to apply to any person who attempts, offers, or agrees since August 4, 1914, to trade with the enemy, as it applies to a person who does so trade (No. 8).

Post Office.—The following offences are punishable with imprisonment with hard labour for twelve months: (1) transmitting letters outside the Protectorate, otherwise than through the post; (2) sending letters written with any invisible medium; (3) refusing to produce for examination letters personally carried (No. 18). The Ordinance is not limited to the duration of the present war.

2. GOLD COAST.

(i) COLONY.

Ordinances passed—29.

Quarantine.—Detailed quarantine regulations are made in the Schedule to No. 2. The Ordinance itself merely gives the Governor power to appoint officers and buildings, and to vary or amend the

Regulations. This Ordinance supersedes the Quarantine Ordinance of 1901.

Tariff.—A fresh tariff is contained in No. 7. There is a specified duty on all articles mentioned in the First Schedule, those specified in the Second are exempted, and on all others there is a duty of 10 per cent. *ad valorem* (raised to 12½ by No. 19). The taxed articles include alcoholic liquors, bread stuffs, candles, oils, firearms and ammunition, soap, coffee, tea, and tobacco. All goods in transit to Ashanti or the Northern Territories are exempt from duty, but liable to fees for Customs supervision.

Wild Animal Preservation.—The schedules of protected and unprotected animals annexed to the Ordinance of 1901 are re-enacted with amendments by No. 21. Power is given to the Governor to remove any animal from any schedule and if he thinks fit to add it to another. The export or sale of protected birds or their plumage is prohibited.

Naturalisation.—Fees on grants of naturalisation under the Imperial Act of 1914 are provided for by No. 22.

Marriage.—Provisions similar to those of the Gambia Ordinance (see p. 161) are made to facilitate marriage between persons resident respectively in the Colony in the United Kingdom (No. 23).

Currency.—British Treasury notes are made legal tender in the Colony (No. 27).

Motor-cars.—The Ordinances of 1907 and 1910 are superseded by No. 28. Motor-cars must not exceed 2½ tons in weight, and must be provided with pneumatic tyres. Every driver must hold a driving licence. The maximum speed allowable is to be fixed by the Governor in Council. He may also prohibit the use of certain roads to motor traffic (No. 28).

Police Magistrates.—The Governor may appoint Police Magistrates who are to hold Courts, forming part of the Supreme Court. The punitive powers of a Magistrate are limited to imprisonment for a year, and fine not exceeding £100. They have also civil jurisdiction up to the value of £100 (No. 29).

Emergency Legislation.

Trading with Enemy.—Rules may be made by the Governor with regard to certificates of origin and other evidence as to origin and destination of goods (No. 6).

Exportation.—The Customs Ordinance of 1915 is amended by authorising the prohibition against certain articles to be extended to all articles (No. 8). The exportation to foreign countries of goods may be prohibited, unless consigned to persons authorised to receive the same (No. 25).

Patents.—The Governor may make regulations for suspending rights under patents and trade marks held by enemies (No. 10).

German Colonies.—Prisoners sentenced in Togoland or the Cameroons may be sent to the Gold Coast and imprisoned there in accordance with the sentence (Nos. 13 and 26). Fugitive prisoners from Togoland may be extradited (No. 14).

(ii) ASHANTI.

Ordinances passed—10.

Customs.—The Gold Coast Tariff is applied to Ashanti by No. 6, with a provision that the Chief Commissioner may allow goods to pass through Ashanti to the Northern Territories, without payment of duty in Ashanti.

Powers of Governor.—Where Ordinances of the Colony, applied to Ashanti, give powers to the Governor in Council, these powers may be used by the Governor alone, and references to the Legislative Council are to be disregarded (No. 8).

French Conscripts.—Persons taken to military service in France may be handed over to the West African French Colonial Authorities (No. 9).

(iii) NORTHERN TERRITORIES.

Ordinances passed—7.

Customs.—The tariff of the Colony is applied, and duties may accordingly be exacted, unless already paid in the Colony or Ashanti (No. 4).

The other Ordinances of Ashanti and the Northern Territories apply to Gold Coast Ordinances, the provisions of which are noted above.

3. SIERRA LEONE.

Ordinances passed—17.

Pensions.—The Widows' and Orphans' Pension Ordinance of 1913 is amended by No. 6, which substitutes new provisions as to the calculation of the contributions and benefits.

Probate.—Probates granted in the United Kingdom are to be recognised in the Colony as being sealed in the Supreme Court. Provision is also made, as in other Colonies, for the exceptional recognition of probates granted in Sierra Leone and other Colonies (No. 7).

Sheriff.—Power is taken by No. 8 for the appointment of one Sheriff for the Protectorate, to be assisted by Deputy Sheriffs, and by bailiffs and court messengers to be appointed by the Sheriff.

Public Health.—A short Public Health Law (No. 10) is passed for the Protectorate, which only demands notice as showing that an endeavour is being made to educate the native in matters of sanitation. The Governor in Council may make rules as to buildings, roads, drainage, water, burial-grounds, etc. These rules have to be enforced by the sanitary authority, *i.e.* the native chief.

Tariff.—In July 1915 it was found necessary to impose a surtax of 25 per cent. on the *ad valorem* import duties (No. 13). In December, the whole tariff was revised and raised, and the *ad valorem* duties raised from 10 per cent. to 15 per cent. (No. 17).

Emergency Legislation.

Press Censorship.—The only emergency law is No. 2, which deals with Press Censorship. It is declared unlawful to publish any information with respect to military operations, troops, aircraft, etc., but an offence is not deemed to have been committed if the information is published with the leave of the Censor. Prosecution requires the consent of the Attorney-General.

4. NIGERIA.

Ordinances passed, 29.

Railways Provident Fund.—A Provident Fund is established for railway servants who are not at present pensionable. The contributors must be persons who are not apprentices, are not earning less than £2 a month, and are not Europeans. Every railway servant so described must join, except those of more than three years' service.

All existing servants may contribute such sums in respect of past service as they would have been liable to pay if the law had been in force when they joined. The arrangement of the scheme is left to regulations to be made by the Governor (No. 1).

Widows' and Orphans' Pensions.—Hitherto Nigeria has had a pension scheme in common with other West African Colonies. It is now deemed expedient to have a special Ordinance. All Government servants, except the Governor and his staff, naval and military officers and females, must contribute to the fund, provided their age does not exceed forty-nine. A bachelor retiring from service gets half his contributions returned, a widower without children gets half of his contributions paid since the death of his last wife, or since his child or last child attained eighteen. The various scales and rates are given in schedules to the Ordinance (No. 3).

Explosives.—The existing Ordinances of 1912 are repealed, are replaced by a provision that the Governor in Council may make regulations with respect to the importation, sale, conveyance, manufacture, and use of explosives (No. 6).

Dogs.—For the prevention of rabies, No. 8 makes provision for the licensing of all dogs, and for the seizure and destruction of those infected. Every dog must wear a badge with a distinguishing letter or number.

Assessment.—The capital or annual value of all tenements, as the Governor may direct, is to be assessed in certain districts by appraisers working under an Assessment Committee. The appraiser is to accept the rent as indicating the annual value, if he considers it fair. Provision is made for appeals subject to regulations to be made by the Chief Justice (No. 10). Small verbal amendments are made by No. 18.

Water Supply.—An experimental water supply Ordinance (No. 11) provides for the appointment of a water authority in districts, who may be a person or body corporate. The water authority has powers as to laying of pipes and constructing fountains, but the construction of larger water-works does not seem to be contemplated at present. Where a service is provided there is a water-rate to be levied according to assessment.

Railways.—A very simple railway law provides for a railway administration, having power to make railways, paying compensation for injury to private interests, when proved (No. 15).

VIII. EAST CENTRAL AFRICA.

1. EAST AFRICA PROTECTORATE.

[*Contributed by* Mr. Justice Ehrhardt.]

Ordinances passed—40.

War Legislation.—Considering the distractions of the period the legislative output of the East Africa Protectorate for the year 1915 must be regarded as large. Forty Ordinances dealing with very varied subjects were considered and passed. Of these fifteen may be considered as directly due to the existence of the present war. No. 2 frees gifts sent to troops from import duties, No. 4 gives the Governor power to restrict exports by proclamation, and No. 8 remits wholly or partially the duties payable on the estates of those who fall in the war. Five Ordinances deal with matters relating to the obtaining of recruits and military organisation and administration. No. 7 authorises the formation of volunteer corps; No. 29 provides for native transport for military purposes; Nos. 30 and 37 follow Imperial legislation in making compulsory the registration of persons, while No. 31 sanctions compulsory service. Seven other Ordinances deal with points of general or judicial administration rendered urgent by the war. No. 6 provides for the censorship of the Press; Nos. 9 and 26 give the local Courts power to deal with emergencies of the same kind as those conferred by the Courts Emergency Act at home; Nos. 10 and 24 deal with trading with the enemy; No. 36 extends the Governor's powers relating to Trade Mark Rules during the war; and No. 39 prohibits the smuggling of letters out of the Protectorate.

Of the legislation not due to the war, ten Ordinances may be described as dealing with matters or principles of general importance. No. 12 is a very important Ordinance dealing with the Crown lands within the Protectorate. A very wide definition is given to the expression "Crown lands." The Ordinance repeals previous legislation on the subject, and provides machinery for administering and dealing with Crown lands. Ordinance No. 14 deals with motor traffic on familiar lines. Nos. 15 and 35 provide for the registration of all natives in the Protectorate. They provide for the appointment of registration officers, the giving of certificates, and the infliction of penalties. The Governor may exempt any area

or tribe from the operation of the Ordinances. No. 16 amends the Forest Ordinance, 1911, by making additional provisions for the enlistment and duties of Forest Guards. Ordinance No. 21 is designed to improve the coconut planting industry and to protect it from the menace of the rhinoceros beetle. Nos. 22 and 33 regulate the sale of intoxicating liquors to natives. No. 23 regulates the trade in coconuts, copra and other products of the coconut tree. It provides for the registration of coconut plantations and the issue of trading licences.

Ordinances Nos. 1, 11 and 13 are financial, appropriation, or loan Ordinances.

The rest of the Ordinances passed deal with points of detail in previous legislation as to which amendment has been found necessary. There does not appear to be any occasion for individual comment on them.

2. UGANDA.

[*Contributed by* ALBERT GRAY, ESQ., C.B., K.C.]

Ordinances passed—21.

Justices of Peace.—The Governor may appoint persons, being Europeans, to be justices of the peace. The jurisdiction conferred is that of justices in England, so far as relates to preliminary examinations, etc.

Press Censorship.—No. 4, though no doubt a war measure, is general in its scope. The Governor may bring the law into force "on the occurrence of any public emergency or in the interests of the public safety or tranquillity."

Stamps.—A comprehensive Stamp Ordinance (No. 11) supersedes the existing Law of 1903.

Probate.—Reciprocal recognition of probates granted in the United Kingdom and in colonies is provided for by No. 12.

Vaccination.—All persons within the Protectorate are liable to be vaccinated and the Governor may make rules for carrying this law into effect. The Ordinance (No. 16), however, makes special provision for the vaccination of the native population.

Customs.—The export duty on native rubber is reduced from 10 per cent. to 4 per cent. (No. 18).

Marriage.—In cases of marriage between a British subject

resident in the Protectorate and one resident in the United Kingdom a certificate issued in the United Kingdom is to have the same effect as one issued by the Registrar under the Ordinance of 1902.

Emergency Legislation.

Gifts to Troops.—Gifts to troops are exempt from import duty (No. 1).

Death Duties.—In the case of persons killed in the war, the Governor may remit the whole or part of the duties payable under the Court Fees Rules, 1908, in respect of property passing to the widow or lineal descendants or ancestors. The remission may be total if the property passing does not exceed Rs. 75,000. When it exceeds that amount, the remission may extend to one-half of the duties leviable on the remainder beyond Rs. 75,000. The benefits of the remission are to be apportioned among the beneficiaries (No. 6).

Trading with Enemy and Emergency Powers.—Nos. 10 and 19 as to trading with the enemy, and No. 13 as to the emergency powers of Courts, follow the Imperial Acts.

3. SOMALILAND.

[*Contributed by* ALBERT GRAY, ESQ., C.B., K.C.]

Ordinances passed—5.

Camel Corps.—The King's African Rifles Ordinance, 1909, which was repealed in 1911, is re-enacted for the purposes of the Camel Constabulary (No. 1).

Indian Contingent.—The Indian Army Act, 1911, is applied to the Indian Contingent while serving in the Protectorate, with certain exceptions, the powers of an officer commanding an army, division, or brigade being given to the officer commanding the troops, and those of the Commander-in-Chief and Governor-General to the Commissioner (No. 2).

Customs.—Import and export duties at all ports, excepting Zeyla, are fixed at 10 per cent. *ad valorem*, saving the goods and livestock specially provided for under the Customs Ordinance of 1907 (No. 3).

Camp equipments imported by officers and officials, as also ships and boats, are declared to be free of duty (No. 5).

4. NYASALAND.

[*Contributed by* ALBERT GRAY, ESQ., C.B., K.C.]

Ordinances passed—14.

Imperial Loan.—Power is taken to borrow from the Imperial Treasury sums amounting to £803,000, of which £540,000 is allocated to railway extension and £156,000 to road making (No. 1).

Customs.—The provisions of the Customs Law as to the importation and exportation of goods are applied to railways, and the guard of the train takes the place of the master of a ship (No. 2).

Criminal Law.—No. 3 applies the provisions of recent English legislation as to procuration of girls and women, and prostitution.

Companies.—Every company incorporated elsewhere must within a month after it begins business file with the Registrar of Companies a certified copy of its memorandum and articles or other documents defining its constitution, a list of the directors, and the names and addresses of a person or persons authorised to accept process for the company (No. 8).

Land Tax.—On non-payment of land tax, the District Commissioner may after one month's notice enter and sell so much of the real and personal property as may be sufficient to satisfy the claim (No. 14).

Emergency Legislation.

Two short Ordinances deal with trading with the enemy (No. 4) and defence of the Protectorate (No. 11). Under the latter the Governor may direct a trial by court-martial.

IX. SOUTH ATLANTIC.

1. BRITISH GUIANA.

[*Contributed by* THE HON. J. J. NUNAN, K.C., LL.D.]

Thirty-five Ordinances were passed, one being a private Ordinance, the rest being public general Ordinances.

Arms and Ammunition.—Ordinance No. 4, based upon Hong-

Kong legislation, makes provision for the issue of licences to keep, use, or carry, to sell or otherwise deal in, and to manufacture arms and ammunition.

Magistrate Courts.—Ordinance No. 9 enables a Puisne Judge of the Supreme Court to hear and determine petty debt cases in Georgetown. The object is to lessen the local cost of the administration of justice pending the introduction of a West Indian Appeal Court. It enables one of the two Georgetown magistrates to be dispensed with while retaining a third judge to hear Supreme Court Appeals.

Supreme Court.—An important Ordinance (No. 10) re-enacts with amendments the Supreme Court Ordinance, 1893. It enables two judges to hear appeals from a third judge and provides that the judge appealed from shall not sit as hitherto to hear appeals from himself. It abolishes the system of limited jurisdiction which prevented a single judge from adjudicating in matters over $2,500. It limits the long vacation to the months of July and August. The Ordinance was drafted partly to enable a third judge to be dispensed with in case a West Indian Appeal Court is established, as has since been agreed upon at a Conference held in Trinidad. (A similar Ordinance has been introduced and passed in Trinidad since the date of the British Guiana Bill.)

Government Currency.—Ordinance No. 16 enables the Government of the Colony to issue as legal tender currency notes of the denominations of $1 and $2 and of such higher values as the Secretary of State may approve. It creates a Board of Commissioners of Currency and provides for a Note Guarantee Fund and a Depreciation Fund.

Police.—Ordinance No. 18 enables the police force to be employed on actual military service within the Colony in case of actual or apprehended invasion, subject to the Army Act. Subject to a vote of the Combined Court it makes provision for the wives and families of members of the police force killed or dying from wounds or disease while on such service.

Censorship of Telegrams and Postal Packets.—Ordinance No. 21 follows the general lines of the legislation of Trinidad and other Colonies in regard to war censorship of telegrams and postal packets. It provides also for the censorship of shipowners' letters.

Militia.—Ordinance No. 22 provides for the application of the

Army Act to the members of the contingents despatched by the Colony to serve with His Majesty's Regular Forces.

Copyright.—Ordinance No. 28 adopts for the Colony ss. 11 and 12 of the Imperial Copyright Act, 1911.

Customs.—Ordinance No. 30 gives power to prohibit the exportation of arms and other articles likely to be useful to the enemy.

The most important legal event of the year was the report of the Statute Law Committee, a body of seven barristers and solicitors, presided over by the Attorney-General, Hon. Dr. Nunan, K.C. It submitted a draft Civil Law of British Guiana Bill and ten other bills to enable the scheme of the Common Law Commission for the substitution of English for Roman-Dutch Law to be carried into effect. The proposals have been approved by the Secretary of State for the Colonies and the Civil Law of British Guiana Bill drafted to carry out the recommendations.

2. FALKLAND ISLANDS.

[*Contributed by* ALBERT GRAY, ESQ., C.B., K.C.]

Ordinances passed—9.

All the Ordinances, other than financial, are more or less of the emergency class.

Volunteers.—Volunteers called out for active service are quartered or billeted, and while in receipt of Government pay and allowances are not entitled to claim pay from their ordinary employers. While on service a volunteer may be temporarily seconded for civil employment. Special appointments to courts-martial may be made by the Governor, when the requirements of the Army Act cannot be complied with (No. 4).

Whale Fishery.—Every person licensed under the Whale Fishery Ordinance, 1908, must give a bond for the delivery of the oil in the United Kingdom. The Governor may, however, permit the export of whale oil to other countries to be specified (No. 1).

An export duty of 1½*d.* per barrel of 40 gallons is imposed by No. 3.

The Governor may cancel leases and licences for whale fishing, and no action may be brought in respect of the cancellation (No. 5).

3. ST. HELENA.

[*Contributed by* ALBERT GRAY, ESQ., C.B., K.C.]

Ordinances passed—6.

Customs.—All consignments of presents for the troops are admitted free of duty (No. 1), also all goods imported for the use of the Royal Naval Establishment (No. 3).

The dues for transhipment of goods which have not been landed are to be charged at one-third of the rates fixed by the Customs Ordinance, 1905.

Customs duties are imposed on fibre at 10*s.* per ton, and on tow at 5*s.* per ton (No. 2).

X. THE WEST INDIES.

1. THE BAHAMAS.

[*Contributed by* THE HON. HARCOURT MALCOLM, K.C.]

The special session of 1914 was summoned in consequence of the outbreak of the European War. It was of only twenty-seven hours' duration and productive of two short Acts.

Proclamations.—The Proclamations Act, 1914 (No. 1), empowers the Governor, acting on instructions from the Secretary of State for the Colonies, to issue proclamations, and declares that all such proclamations and all matters therein contained shall have the full force and effect of law as if the same had been embodied in an Act. This power is exercisable whenever a state of war exists between His Majesty and any foreign State or country. The Act contains an expense clause and is limited in duration to one year.

Relief of Distress.—The Emergency Relief Act, 1914 (No. 2), empowers the Governor in Council to take such steps as he may deem advisable for the temporary relief of distress in the Colony owing to the existence of a state of war. Power is given for carrying the Act into effect by Orders in Council and by Rules. The Act contains an expense clause and is limited in duration to one year.

Tariff.—The Tariff Amendment Act, 1915 (No. 3), imposes for one year a surtax of 10 per cent. on all existing duties of customs.

Out Islands Administration.—The Out Islands Administration Act, 1915 (No. 4), lengthens from three years to five years the continuous period during which a Commissioner may be retained in the same District.

Finance.—The Loan Act, 1915 (No. 5), authorises the Governor in Council to raise locally by the issue of debentures a sum not exceeding £30,000. The loan is charged on the general revenue and assets of the Colony. The denominations of debentures shall be such as the Governor in Council shall deem advisable; the rate of interest is not to exceed 5 per cent. payable quarterly; and the currency of the debentures shall be twenty years. Detailed provision is made for the form, signature, and registration of debentures. The interest is a preferential payment out of the Treasury. Provision is made for a sinking fund. Investment of this fund must be in interest-bearing Government securities of the United Kingdom of Great Britain and Ireland or of the United States of America or of the British Dominions or of any British possession. Debentures exceeding £100 in value may be converted into debentures of a lower denomination. In case of a deficiency in the sinking fund such deficiency shall be made good out of the general revenue and other funds of the Colony.

The Appropriation Act, 1915 (No. 8), grants £34,919 5*s.* 7*d.* for the performance of public works, etc. In this total is included a contribution of £10,000 from the Colony to the Mother Country in aid of the present war.

2. BARBADOS.

[*Contributed by* THE HON. SIR W. H. GREAVES, *Chief Justice.*]

Acts passed—51.

Public Health.—The Public Health (Amendment) Act (No. 3) adds leprosy to the list of notifiable diseases, and includes it among those diseases in respect of which the principal Act prescribes compulsory measures of precaution to prevent spreading.

Interpretation of Statutes.—The Interpretation (Amendment) Act (No. 7) provides that in any Act conferring a power on either House of the Legislature, or on the Governor in Executive Committee, to sanction, approve, confirm, allow, or disallow any rules, orders, or by-laws made by other persons or bodies, such power shall be

deemed to include a power to add to, alter, amend, rescind, or vary such rules, etc. Such additions, alterations, etc., however, must receive the Governor's assent.

Motor Cars.—The Locomotives on Highways (Amendment) Act (No. 8) provides against driving recklessly, or negligently, or at a speed or in a manner dangerous to the public, and against the use of a "cut out" except as a warning signal. Cars are required to be registered and licensed and to carry an identification plate at the rear. Drivers must obtain a licence from the police, and no one under the age of seventeen can obtain a licence. Provision is also made as to the precautions to be observed when going round corners, approaching cross roads, and when the car is to be started, stopped, turned, or backed; and in case of an accident the driver must stop, and, if required, give his name and address.

Prisons.—The Prisons (Amendment) Act (No. 9) provides that prisoners not sentenced to penal servitude or hard labour may be ordered by the Court to be treated as offenders of the first division, or as offenders of the second division; if no order is made such prisoners are treated as offenders of the third division. Persons imprisoned for default of payment of a debt, or in default of distress to satisfy a sum ordered to be paid, shall, when the imprisonment is to be without hard labour, be placed in a separate division, and shall not be associated with criminal prisoners, or be required to wear prison dress. Persons imprisoned for default of recognisance or sureties shall be placed in the second division except the Court order that they be placed in the first division. Persons imprisoned for contempt of Court are to be placed in the first division. Provision is also made to enable any one imprisoned for default of payment of a penal sum to pay a part of the fine, and obtain remission of a proportionate part of the term of imprisonment. The provisions of this Act are taken from the English statutes.[1] The Prisons (Amendment) Act (No. 17) abolishes confinement in a dark cell as a special punishment for breaches of prison discipline and substitutes therefor confinement in solitude in a prison cell on punishment diet.

Trading with the Enemy.—The provisions of s. 10 of the Act of the United Kingdom, 5 Geo. V. c. 12, are by this Act (No. 15) inserted in the principal Act (1914, 21), and power is given to the

[1] 61 & 62 Vict. c. 41, ss. 6 and 9, and 40 & 41 Vict. c. 21, s. 41.

Executive Committee to make regulations concerning any of the matters contained in the Act, and concerning the importation and exportation of goods, etc.

Reformatory and Industrial School.—Provision is made (No. 15) that the period of detention ordered by the Court shall not extend beyond the time when the boy, in the opinion of the Court, shall have attained the age of nineteen years, and that a boy who has been discharged from the institution before he has attained the age of nineteen years may, owing to misconduct, be placed under the supervision of the superintendent of the institution. Such supervision is regulated and defined by s. 8 of No. 19 of 1912

Copyright.—S. 2 of the Copyright Act (No. 30) gives effect in this Colony to s. 14 of the Act of the United Kingdom, 1 & 2 Geo. V. c. 46; and s. 3 is a transcript of s. 11 of the same Act.

Volunteer Force.—Act No. 33 provides that a member of the force shall at the expiration of his period of service be deemed to have re-enrolled unless within a month prior to the expiration of his period of service he shall have given written notice of his intention not to re-enrol. On enrolment a volunteer must serve for three years, and on re-enrolment for one year. It became the practice for volunteers, on the expiration of the original term, to continue in the force without formal re-enrolment, and the doubt arose whether such continuance of service was a legal re-enrolment. This Act settles the doubt. Act No. 34 provides that members of the force serving with His Majesty's forces outside the Colony, or on their way to or back from service, shall be subject to the Army Act. The object of the Act is to subject to Army discipline such members of the Volunteer Force as may join the West Indian Contingent.

Prohibited Exports.—Act No. 39 follows on the lines of the statutes of the United Kingdom,[1] and extends the power of restricting exportation during the war to all goods and articles, and provides that the Governor may, during the war, prohibit exportation to any named place unless the goods are consigned to such persons as may be authorised by the proclamation to receive them.

Naturalisation and the Status of Aliens.—Act No. 43 (the Naturalisation Act, 1915) is subsidiary to the British Nationality and Status of Aliens Act, 1914.[2] Provision is made for the registra-

[1] 4 & 5 Geo. V. c. 64, and 5 & 6 Geo. V. c. 52. [2] 4 & 5 Geo. V. c. 17.

tion in this Colony of the declarations and documents required by the Imperial Act and regulations thereunder to be registered; for the punishment of false statements made for any of the purposes of the Imperial Act; and for the fees to be paid.

Censorship.—The Censorship Act (No. 44) provides that any person sending, or attempting to send, by any means other than through the Post Office, a written communication to an enemy country or subject shall be guilty of a misdemeanour. Power to search the person or property of a suspect, and to seize any such communication and arrest the offender, is given to justices of the peace and corporals, or officers of higher rank, of the police force.

Medical Registration.—The effect of the Medical Registration (Amendment) Act (No. 48) is to restrict the right to practise medicine and surgery in this Colony to medical men entitled to be registered in the United Kingdom, and to those entitled to practise medicine, surgery, and midwifery in the State of New York after a course of study of not less than five years at any university or college whose curriculum requires five years' study precedent to graduation, each year's course of study being not less than eight months.

Firearms.—The Firearms (Amendment) Act (No. 50) makes it unlawful to sell or let on hire a gun to any person other than the holder of a gun licence, or a trader for the purposes of his trade. Dealers are required to register particulars of a sale of guns, and to send a copy of such register to the police. A non-dealer is required to give notice to the police of a transfer of a gun, and of the name and address of the transferee. Sales or transfers to drunken or insane persons are prohibited. Power is conferred on police magistrates to issue warrants to search for unlicensed guns. No gun licence can be issued unless the Inspector-General of Police certifies that the applicant is a fit and proper person to hold a licence.

3. BRITISH HONDURAS.

[*Contributed by* The Hon. L. H. Elphinstone.]

Ordinances passed—32.

Boundaries.—Ordinance No. 3 provides for the settlement of boundary disputes.

In the 'thirties many Crown grants were made of unsurveyed land, the grant being often of a tract of land described as having

for its base a named number of miles on a river, and as extending "the usual distance aback." As might be expected, actions for trespass or recovery of land have proved inadequate tools to grapple with such problems.

The provisions of the Ordinance are too intricate to be described here.

By s. 3 where "doubt exists as to the extent, identity, or boundaries of the land held under any title or of any Crown land" the Supreme Court is, in proceedings to be instituted for the purpose, to "ascertain and give an award as to such extent, identity, or boundaries." The principle of the Ordinance is that the award is to be binding on all the world subject to certain savings in favour of "squatters."

Provision is also made (s. 6) for the location and marking under the supervision of the Court of the actual position on the ground of any boundary, and a position so located and marked "shall for all purposes, and in all Courts and as between all persons, whether parties to the proceedings or not, be deemed to be the correct position of that boundary."

Copyright.—Ordinance No. 11 provides summary remedies for the infringement of copyright similar to those in force in the United Kingdom under s. 11 of the Imperial Copyright Act, 1911, and contains provisions as to the importation into the Colony of infringing copies made out of the Colony.

Corporal Punishment.—Ordinance No. 20 forbids more than one flogging or whipping for the same offence, following s. 36 (1) of the Criminal Justice Administration Act, 1914, of the United Kingdom.

Criminal Evidence.—Ordinance No. 7 authorises the Chief Justice on the application of the Attorney-General to exempt a Government medical officer from attending as a witness at a criminal trial in the Supreme Court, and to allow his deposition taken at the preliminary inquiry to be read as evidence.

The object of the Ordinance is to prevent medical officers from being taken away from their duties for the purpose of giving evidence in "wounding" cases where the medical evidence is not really material to the guilt or innocence of the accused.

Ordinance No. 21 provides for the admission, in certain criminal charges, of the unsworn testimony of children unable to understand the nature of an oath, following s. 30 of the Children Act, 1908.

The extension by s. 28 (2) of the Criminal Justice Administration Act, 1914, of the United Kingdom, of the provisions of s. 30 of the Act of 1908 to all offences, has not been adopted.

S. 3 of Ordinance No. 21 reproduces, in substance, the provisions of s. 4 of the English Criminal Evidence Act, 1898, as to evidence of a husband or wife against the other.

Crown Land.—Ordinance No. 22 removes difficulties in the completion of sales of Crown land where the purchaser "incumbers or disposes of his interest or purports so to do or dies before completion of the sale." Power is conferred on the Governor in such cases "to complete the sale by issuing a fiat for a grant of the same land to the person whom the Governor considers to have the best claim thereto." By s. 3 (1) a grant in pursuance of a fiat issued under the Ordinance is to "discharge His Majesty and the Governor and the Government of the Colony from all liability in respect of the sale thereby completed, but shall not affect or prejudice the enforcement of any estate, right, or interest adverse to or in derogation of the title of the grantee, and subsisting or capable of arising at the time of the issue of the fiat."

When it is stated that owing to survey difficulties certain sales of Crown land made in the early 'eighties have not yet been completed, and that the inhabitants of the Colony habitually deal in land in an informal way, the need for the Ordinance is apparent.

Education.—Ordinances Nos. 1 and 30 introduce a simple system of compulsory education. The Governor is empowered to declare any area to be a "Compulsory Attendance Area," and the duty is imposed on parents residing within such an area to send their children between the ages of six and twelve "regularly to a school or to provide such child with private instruction as efficient as that obtainable at a school within such area." A fine of 5 cents is payable for every absence "without reasonable cause." Fines are to be collected monthly by the "School Officer," subject to appeal to the District Commissioner. No fine can be imposed in respect of a child who has attended "three-quarters of the full number of school openings during that month."

Honduras Trading Co., Ltd.—Ordinance No. 14 authorises the Governor to lend to the Honduras Trading Co., Ltd., "for the purposes of its business in the Colony any sum or sums of public money, not together exceeding 60,000 dollars."

By s. 5 the loan may be made on such terms and on such security as the Governor thinks fit, and "any such security may provide that money lent under this Ordinance after notice of any later mortgage or charge by the company and the interest on any money so lent, whether compound or simple, shall, notwithstanding such notice, have priority to such later mortgage or charge." The rule in *Hopkinson v. Rolt*,[1] with its attendant dangers where a loan is made by instalments, is thus excluded. The object of the loan was to enable the company to extend its banana-planting operations, thus relieving the unemployment resulting from the war in an economical manner.

Jury Service.—Ordinance No. 19 exempts volunteer officers from jury service while on actual military service, and provides that such an officer "if summoned as a juror shall not be bound to attend."

Labourers.—Ordinance No. 25 repeals and re-enacts in an altered form certain of the provisions of c. 123 of the Consolidated Laws (Revised Edition) as to hiring labourers for work outside the Colony.

S. 3 provides for substituted service of summonses for the recovery of labourers' wages from employers who leave the Colony during a hiring agreement or within six months after its termination.

Medical.—Ordinance No. 15 authorises the appointment during the war as an Assistant Medical Officer of the Colony of any person holding a medical diploma from a university or college in Canada or the United States of America, and any appointment so made may be continued after the termination of the war.

Motor Cars.—Ordinance No. 13 strengthens the previous law (c. 195 of the Consolidated Laws, Revised Edition) as to motor cars.

S. 2 requires a motor car to be fitted with a bell or other instrument capable of giving audible warning of its approach.

S. 3 (1) imposes a penalty on reckless or negligent driving, following s. 1 (1) of the English Motor Car Act, 1903. By s. 3 (2) of the Ordinance warning of an intended prosecution for reckless or negligent driving is required following the wording of s. 9 (2) of the English Act.

S. 4 requires the driver of a motor car to stop in case of accident, following s. 6 of the English Act.

No speed limit is imposed on motor cars.

[1] 9 H.L.C. 514.

Post Office.—Ordinance No. 17 prohibits the carriage of letters to or from the Colony during the war otherwise than by letter post through the Post Office, being based on the Defence of the Realm Regulation 24 of the United Kingdom.

Volunteer Force.—Ordinance No. 27 applies the Imperial Army Act to members of the Colony's volunteer force who consent to serve outside the Colony during the war.

Wild Birds Protection.—Ordinance No. 16 provides for the protection of wild birds, and closely follows the Antiguan Ordinance No. 3 of 1913.

4. JAMAICA.

[*Contributed by* ALBERT GRAY, ESQ., C.B., K.C.]

(i) COLONY.

Laws passed—29.

Indian Indentured Labour.—A fee of 8*s.* per annum is payable on every indentured labourer for medical attendance (No. 2).

Diseases of Plants.—The Laws of 1911 and 1912 are consolidated and amended (No. 3). Wide powers are given to the Governor. He may declare any district to be infected with plant disease, isolate it by fences, require the uprooting and destruction of plants, regulate the disinfecting of the district, prescribe a period within which the district is not to be replanted, or not replanted with a particular plant. He may also prohibit the importation of plants or things from countries named in the Order, if he thinks them likely to spread plant disease.

Public Stores.—No. 13 is a law for the protection of stores belonging to His Majesty and in the custody of any public department. Provision is made for marking Government stores, the schedule stating the marks to be applied to cordage, canvas, candles, timber, etc. Severe penalties are prescribed for obliteration of marks, for unlawful possession of stores, and power is taken to search boats and vehicles suspected of unlawful carriage of stores.

Volunteer Force.—Members of the Volunteer Force while serving with the Imperial Forces ouside Jamaica, and on their outward and homeward passage, are to be subject to the Army Act while so serving (No. 26).

Emergency Legislation.

Maximum Prices.—The Governor may by proclamation prescribe the maximum prices at which kerosene oil or any article of food may be sold by retail during the war. Such prices may vary in different parts of the Island (No. 1).

Aliens.—The Governor in Council may by Order prohibit aliens from landing in or leaving the Island, provide for their deportation or require them to reside at specified places (No. 6).

Census of Stocks.—The Governor may require any one to make a return of the stock of any article of commerce in his possession. If any articles are unreasonably withheld from market, the Governor may seize them, paying such price as may in default of agreement be fixed by arbitration (No. 8).

Defence.—General powers are taken by No. 9, similar to those of the Defence of the Realm Act, for the defence of the Island, to prevent assistance of the enemy, the spreading of false reports, and to secure the safety of communications.

Tariff.—Parcels for prisoners of war are placed on the free list for importation (No. 17).

Exportation.—The powers of the Governor under the Customs Laws to prohibit the exportation of certain articles are during the war extended to all articles whatever (No. 19).

Intoxicating Liquor.—The Governor may, during the war, restrict the hours during which liquor may be sold and consumed on licensed premises (No. 21).

Trading with the Enemy.—Nos. 22 and 29 follow the Imperial Acts.[1]

Exportation of Arms.—The Governor may during the war prohibit the exportation of arms, ammunition, or military or naval stores, to any country named in the Order, or to such country except to a person authorised to receive them.

The other Laws are financial or private. Among the latter is one (No. 23) for incorporating the Roman Catholic Bishop for the purpose of the continuous possession of Church property.

(ii) CAYMAN ISLANDS.

Laws passed—7.

The Caymans are three small islands, the nearest 178 miles from Jamaica. Grand Cayman, the largest, has a population of about

[1] 4 & 5 Geo. IV. c. 87, 5 Geo. V. c. 12.

4,000. Their Laws, which require the consent of the Governor of Jamaica, are enacted "by the Justices and Vestry of the Cayman Islands in Vestry assembled." The official chief is styled "Commissioner and Chairman."

Turtle and Sponge.—The Commissioner may with the approval of the Governor grant licences for turtle, sponge or other fishing on the coasts. The limits of the fishing, which will give exclusive rights, must be clearly marked by a wall, stakes or buoys. A licence must not be granted for a period exceeding sixty years (No. 1).

Tariff.—Steam engines and all machinery required for the development of the islands' produce, as well as cans and jars for canning turtle and fish, are to be imported free of duty (No. 2).

Hurricane.—Loans may be made out of moneys standing to the credit of the General Revenue to persons whose houses were damaged by the hurricane of August 13, 1915. The loans bear interest at 4 per cent., and are not to extend beyond 1920 (No. 7).

(iii) TURKS AND CAICOS ISLANDS.

Ordinances passed—5.

Of these Ordinances two are financial, while two others are similar to the Laws of Jamaica, noticed above, as to maximum prices and trading with the enemy.

5. TRINIDAD AND TOBAGO.

[*Contributed by* C. E. Reis, Esq.]

Ordinances passed—42.

Agricultural Credit Societies. — Ordinance No. 30 — for the registration, encouragement and assistance of Agricultural Credit Societies—is an experiment in the Colony, but not altogether novel in the West Indies. It is designed to give that impetus to agriculture of which it is greatly in need at the present time.

No Credit Society shall be registered which consists of less than twelve or more than fifty members, unless by special leave of the Registrar.

Where loans have already been contracted from the Board of Management, the Credit Society may not borrow from private

sources except with the consent of the Board; nor may it or any person apply such loans to any but agricultural purposes.

Alien Enemies.—The Alien Enemies Ordinance (No. 6) incorporates the regulations which s. 8 of the principal Ordinance[1] empowers the Governor in Executive Council to make. These regulations treat of the staff of the Liquidation Committee and all dealings with enemy businesses, property of alien enemies and other general matter. S. 2 has now been repealed by No. 26 of 1915.

Customs.—The Customs (War Power) Ordinance (No. 17) is the outcome of the restrictions imposed upon trade with alien enemies. It transfers some of the powers of the Governor to their proper channel, namely the custom officials, such as the power to seize imported goods of enemy origin.

Emergency Fund.—Ordinance No. 29, the result of the present war, taxes produce raised or manufactured in the Colony, such as sugar and cocoa.

Forests.—Ordinance No. 42 repeals all previous legislation on the subject and consolidates and amends the law relating to forests and forest produce. In order to protect this industry an owner of a balata gum estate may not extract his own gum without a licence. Even a permit to remove timber is necessary.

Ganja.—The passing of Ordinance No. 9 is the result of systematic legislation throughout the Empire to lessen and control the evils resulting from the growth and sale of this plant. It includes all parts of the ganja plant which contain narcotic properties.

Local Forces.—Ordinance No. 21 applies the Army Act to members of the local forces who have volunteered for foreign service, and while on their way from and back to the Colony.

Naturalisation.—Ordinance No. 19 makes provision for fees to be charged in respect of certificates of naturalisation granted in the Colony under the provisions of the British Nationality and Status of Aliens Act, 1914, of the Imperial Parliament.

Patents, Designs and Trade Marks.—Ordinance No. 37 extends the powers of the Registrar of Patents, Designs, and Trade Marks during the continuance of the present war and six months after to make rules under the Patents, Designs, and Trade Marks Ordinance No. 76; it thus conforms the local law to the law of England.

Petroleum.—The Petroleum Ordinance (No. 20) amends and con-

[1] No. 37 of 1914.

solidates the law on the subject. It deals with import and export, transport, storage, sale and use, etc., of petroleum.

Public Health.—The Ordinance relating to Public Health (No. 45) is a consolidating Ordinance of the local law on the subject, and has been brought up to date with the English Public Health Acts.

Trading with the Enemy.—Ordinance No. 3, which consolidates and amends all previous Ordinances on the subject, brings the Imperial and local law for 1915 on trading with the enemy into conformity.

Voluntary Conveyances.—Voluntary conveyances, according to Ordinance No. 38, of any lands, tenements, or hereditaments made before or after December 17, if in fact made *bona fide* and without fraudulent intent, shall not be deemed fraudulent and covinous within the meaning of 27 Eliz. c. 4, by reason of any subsequent purchase for value, or a conveyance made upon any such purchase.

6. THE WINDWARD ISLANDS.

[*Contributed by* SIR CHARLES J. TARRING, *late Chief Justice of Grenada.*]

(i) GRENADA.

Ordinances passed—31.

Bakers.—No. 4 imposes an annual medical examination on all persons employed in bakehouses.

Public Officers' Guarantee Fund.—No. 6 provides for the return of contributions.

Moneylending.—No. 7 prohibits rates of interest above 12½ per cent., and repeals the previous Ordinance on the subject.

Flogging and Whipping.—No. 10 reduces the number of strokes, which may be inflicted only once for the same offence.

Justices of the Peace.—No. 11 authorises the appointment by the Government to and removal from this office.

Criminal Procedure.—No. 14 prescribes a scale of imprisonment for non-payment of money under a judicial order and provides for a proportionate reduction of the term on part payment.

Agricultural Lands.—No. 15 empowers the exemption of these lands from water rates.

Dogs.—No. 17 imposes a licence on persons keeping.

Public Health.—No. 24 prohibits the erection or rebuilding of houses without sufficient privies.

The following Ordinances deal specially with war conditions: —9 and 21 restrict exportations; 12 extends the Governor's power to make rules under the Patents Ordinance; 16 applies the Army Act to volunteers serving with the Imperial Forces; 18 penalises Trading with the Enemy, and repeals Ordinance of 1914 on same subject; 19 facilitates censorship of letters; 25 prohibits certain payments during war to enemies; 29 provides additional export duty on cocoa for purposes of the Grenada Contingent to the Imperial Forces; 30 penalises tampering with Censorship telegrams.

(ii) ST. LUCIA.

Ordinances passed—35.

Emigration.—No. 8 provides for the licensing of emigration agents.

Post.—No. 13 prohibits the conveyance or transmission to any person or place outside the Colony of letters otherwise than through the Post Office, except in certain specified cases.

Agricultural Credit Societies.—No. 14 provides for the registration, encouragement, and assistance of such societies.

Volunteers.—No. 9 subjects all volunteers serving out of or returning to the Colony to the Imperial Army Act.

Excise.—No. 16 consolidates and amends the law relating to the distillation and disposal of spirits.

British Nationality and Status of Aliens.—No. 17 repeals the Naturalisation Ordinance No. 6 of 1901 and empowers the Governor in Council to make regulations in respect of fees for certificates of naturalisation granted under the Imperial British Nationality and Status of Aliens Act, 1914, and other matters authorised under that Act.

Marriage.—No. 18 facilitates marriages between British subjects resident in the Colony and British subjects resident in the United Kingdom or British Possessions.

Criminal Code.—No. 21 amends this Code by making twelve years the age of presumptive capacity for committing rape, unlawful

carnal knowledge of a female under thirteen, and certain other crimes. It also amends the section as to carnal offences against women.

Prostitution.—No. 22 enacts penalties for traders in prostitution and keepers of brothels and letters of houses or rooms to unmarried girls under sixteen.

Revised Edition of the Laws.—No. 29 provides for the validity of this revised edition and continues in force the Civil Code, Code of Civil Procedure, Criminal Code, and Code of Criminal Procedure, and Ordinances authorising or amending the same, and certain specified Ordinances intended to be incorporated with them, and repeals certain other specified Ordinances. The issue of a volume containing all local Orders in Council, Proclamations, Rules and Regulations in force on January 1, 1916, is authorised.[1]

Legal Practitioners.—No. 30 consolidates and amends the Law as to the admission of barristers and solicitors to practise in the Colony, as well as notaries and the disposal of original deeds executed before them or in their custody or possession. The Legal Practitioners Ordinances of 1888, 1898, and 1911 are repealed.

Royal Court.—No. 31 amends the Ordinance of 1888 as to this Court's jurisdiction, civil, appellate and in admiralty, and its practice and procedure.

Death Duties.—No. 32 provides for the imposition and collection of these duties.

(iii) ST. VINCENT.

Ordinances passed—28.

Trading with the Enemy.—No. 3 repeals No. 4 of 1914 on the same subject, and re-enacts it in an amended form, making provision, with a view to arrangements to be made at the conclusion of peace, for preserving money and other property not to be paid or delivered to H.M.'s enemies. It imposes penalties, gives power to inspect books and documents, empowers the Treasurer to apply for a receiver, provides for the constitution of a Custodian of enemy property, obliges trustees of enemy property to notify the Custodian, empowers the Supreme Court to vest enemy property in the Custodian, provides for the holding and dealing with property by the Custodian,

[1] All war emergency legislation is to be omitted from this edition.

invalidates the assignment of debts, securities, etc., by enemies, and lays down conditions for the incorporation of new companies.

Copyright.—No. 4 repeals No. 11 of 1914 on the same subject, and gives effect to certain provisions which did not extend to the Colony of the Imperial Copyright Act, 1911, brought into operation in April 1912.

Ankylostomiasis.—Nos. 6 and 21 provide for the appointment by the Governor of a Medical Officer and assistants, recommended by the International Health Commission, to combat this and kindred diseases.

Public Health.—No. 10 empowers the General Authority to take necessary action when the local authority has failed to do so, and in other respects amends the Ordinance of 1910 on the same subject.

Volunteers.—No. 12 applies the Imperial Army Act to volunteers serving with the Imperial Forces.

Postal Censorship.—No. 13 prevents evasion by prohibiting the transmission of non-postal communications from the Colony to places outside the United Kingdom and British Possessions during the war.

Meat.—No. 14 forbids the receipt or delivery of meat slaughtered anywhere in Kingstown than the market.

Charcoal.—No. 17 imposes penalties for the unauthorised making of charcoal on lands leased under the Land Settlement Ordinance, 1899, or removing or receiving charcoal so made.

Customs.—No. 18 empowers the Governor in Council to prohibit the exportation of articles during the war.

Medical Officers.—No. 19 puts District Medical Officers under the control and supervision of the Colonial Surgeon.

Supreme Court of Judicature.—No. 21 provides for monthly sittings for both civil and criminal matters.

Summary Convictions.—No. 23 empowers magistrates to impose fine instead of imprisonment.

Fishing Nets.—No. 25 amends the Ordinance of 1904 on the same subject by authorising the Governor in Council to prescribe a different minimum size of mesh ; also to prescribe a close season for any fish.

British Nationality and Status of Aliens.—No. 26 repeals the Naturalisation Ordinance of 1902, and makes provision for the capacity of an alien as to property supplementary to those of the Imperial Act of 1914 on the same subject.

Marriage.—No. 27 facilitates marriages between British subjects resident in the Colony and British subjects resident in the United Kingdom.

Midwives.—No. 28 consolidates and amends the law relating to midwives, providing for a register, its correction from time to time, the attendance of midwives at confinements, and their fees and charges.

7. THE LEEWARD ISLANDS.

[*Contributed by* SIR CHARLES J. TARRING, *late Chief Justice of Grenada.*]

THE FEDERAL COLONY.

Acts passed—11.

The "Gazette."—No. 4 makes this publication, including the *Gazettes* published in St. Christopher, Nevis, and Dominica, evidence in all legal proceedings.

Medical Practitioners, Surgeons, and Dentists.—Nos. 6 and 10 lay down the qualifications for practitioners and regulates the sale of drugs and poisons.

Bank Notes.—No. 8 provides for the issue of these in the Colony.

Censorship.—No. 11 prohibits the smuggling of letters.

(i) ANTIGUA.

Ordinances passed—11.

Banks and Banking.—No. 1 declares this subject to be within the competence of the General Legislature.

Syrian Traders.—No. 2 imposes a special trade licence on these persons.

Motor Cars.—No. 6 regulates the use of these vehicles, and provides for registration and licence.

Defence Force.—No. 7 subjects the members to the provisions of the Army Act while on service with the Imperial Forces and in going and returning.

Bicycles.—No. 9 regulates the use of these vehicles.

(ii) DOMINICA.

Ordinances passed—9.

Crown Lands.—No. 1 provides for the administration and disposal of these lands.

Motor Cars.—No. 2 regulates the use of these vehicles and provides for the registration and licensing of them.

Bicycles.—No. 3 regulates the use of these vehicles.

Bush Fires.—No. 4 imposes precautions against bush fires.

Defence Force.—No. 7 subjects the members to the provisions of the Army Act while on service with the Imperial Forces.

(iii) MONTSERRAT.

Ordinances passed—5.

Only Appropriation and amendment Ordinances were passed.

(iv) ST. CHRISTOPHER AND NEVIS.

Ordinances passed—12.

Midwifery.—No. 2 creates a licence system for those practising midwifery.

Defence Force.—No. 8 subjects members to the Army Act while serving with the Imperial Forces, and while going and returning.

Sugar.—Nos. 10 and 12 impose an emergency duty on the export of sugar and molasses.

(v) VIRGIN ISLANDS.

Ordinances passed—3.

Two Appropriation and one Opium Amendment Ordinances.

XI. MEDITERRANEAN COLONIES.

1. EGYPT.

[*Contributed by* 2ND-LIEUT. NORMAN BENTWICH, *1st Camel Transport Corps.*]

No. of Laws (*Lois*) passed—25.

Egypt for the second time appears in this summary as a part of the British Empire, and the legislation of the year is significant of its new status, because a large part of it takes the form of proclamations issued by the supreme military authority, the General Officer Com-

manding the British troops in the country, who was ultimately responsible for the good order and security of the Protectorate. The line of demarcation between his province and that of the civil Government is difficult to trace: on several matters there appears to be concurrent competence. Of ordinary legislation indeed, made after consultation with the Legislative Assembly, there was none, because that body was not summoned. And the bulk of the laws and decrees issued by the Council of Ministers, which has a limited legislative power, was of an exceptional and provisional nature designed to meet immediate needs. No fresh projects of reform were undertaken, and such novelty as there is in the legislative record of the year is to be found rather in the measures taken by the military authority to prevent or control dealings with enemy subjects and to safeguard the welfare of the troops. The incomplete recognition of the Protectorate by other Powers, which was inevitable owing to the war, involved the passing of several decrees with a view to continuing for a time the peculiar judicial organisation; but on the other hand the Government was enabled to introduce certain reforms of detail in that organisation.

Fiscal Laws.—Nos. 1, 2, 4, 5, 7, 9, 10, 11, 12, 13, 15, 16, 17, 21, 22, 23, 25 all refer to the imposition or increase of local traction. No. 14 is the Budget Law.

Several decrees were issued which altered the postal rates by way of raising charges. Postal orders were instituted by decree of the Council of Ministers, and another decree imposed for the first time quay dues on goods imported or exported at Port Said, at the rate which was established before for goods passing through the port of Alexandria. Port Said was thereby treated as a regular Egyptian port, and not as exclusively a port of the Suez Canal. By another decree the duties on tobacco and spirits were raised, as it was in the power of the Government to do, without obtaining the consent of the Powers.

In this connection there may be noted a proclamation which made the Gaffir-due, for the payment of the local police, a compulsory imposition on all the inhabitants of the towns. Hitherto foreign subjects had not been legally bound to pay, but in the interest of public security the military authority required all persons to contribute their fair share, and declared it an offence triable by a Military Court to refuse the contribution.

Judicial Reform.—*Mixed Court.*—Law No. 3 reduces the bench of the Mixed Court from five to three judges in first instance, and from nine to five judges on appeal. The change had long been desired by the Egyptian Government, but the opposition of certain Powers had prevented it.

No. 8 extends the powers of the Mixed Court, which would have expired in February 1915, for the period of one year.

Native Courts.—The Court fees for civil cases tried before the Cantonal Courts, which were little more than nominal under the schedule to the Law of 1913 which constituted the Courts, are raised by Law No. 24, which fixes them at 4 per cent. of the value of the claim, whenever the value is ascertainable.

Exceptional Courts.—Pending the reorganisation of the judicial system, which must wait till the end of the war, the Consular and religious tribunals maintain their functions; and Law No. 8 secures to them under the new régime of the British Protectorate all the powers and capacities which they had enjoyed under the treaties, firmans, and charters of the Ottoman sovereign.

On the other hand the German and Austrian consular jurisdictions necessarily came to an end; but to provide a Court for the trial of civil cases which would ordinarily have come before them a Proclamation established Special Courts identical in organisation with the British Consular Courts. Every judge or officer of the British Courts is *ipso facto* a judge or officer of such Courts; the procedure is that prescribed for the British Courts, and the substantive law to be applied is that of the British Courts, subject to the following provisions: (1) A contract made exclusively between German or Austrian subjects is deemed to have been entered into under German or Austrian Law. (2) In matters of personal status the law is that which a German or Austrian Court would apply. (3) A will or other document is deemed to have been validly executed if it would be so by the German or Austrian law.

Constitution.—After several intermediate postponements, a decree adjourned the meeting of the Legislative Assembly indefinitely, and suspended the provisions of the Organic Law which provide for the yearly renewal of part of the members of the Assembly and the Local Councils.

Four new grades of nobility and four new orders, including one reserved exclusively for women, were instituted by decree in places

of the Turkish grades and orders which had hitherto been applied by the Khedives.

Public Health.—Law No. 18 extends the powers of the Ministry of the Interior in regard to the compulsory notification of infectious diseases.

Education.—Law No. 19 fixes a fee to be paid by the pupils of the Government Training School, where the education had hitherto been gratuitous.

Defence and Military Legislation.

Trading with the Enemy.—A series of measures was issued during the year developing and supplementing the provisions made at the outbreak of war to prevent persons in Egypt from procuring directly or indirectly any benefit to the enemy. A proclamation of January 1915 laid down that no payment of any kind should be made during the war for the benefit of any person resident in enemy territory. It permitted (1) payments to branch houses in Egypt in respect of contracts which had no concern with the principal house in the enemy country; and (2) the deposit with a bank in Egypt of sums due to a person resident in the enemy territory upon an undertaking from the bank not to pay them to the person during the war, or apply them for his benefit except in discharge of his current liabilities in Egypt.

Alien enemies were declared incompetent to commence any civil suit before any Court in Egypt or prosecute a suit already begun, whether by themselves or by an agent, subject to the right of the authorities to grant a licence to proceed.

The military authorities were invested with the power to appoint controllers and receivers of branches of enemy firms, and of any property in Egypt belonging to an alien enemy; and the powers extended to the control of a company or firm which had a preponderating enemy interest, notwithstanding its formal friendly character.

By a proclamation issued in May the export of cotton was forbidden to all ports in Europe other than those of the United Kingdom, France, Russia, Spain, and Portugal.

In August further restrictions were placed on the trading of Egyptian branches of enemy firms and of firms and companies which

had a considerable enemy interest. They were forbidden to trade without a licence and provision was made for winding up and liquidating those that it seemed desirable to treat in that way, and for limiting the transactions of others to the Allied countries.

In November the Egyptian market for securities was closed by proclamation absolutely to the enemy. It was forbidden, save by special permission of the Licensing Officer, to have any dealings with stocks, shares, etc., unless the securities dealt with were accompanied by a declaration of a banker, broker or other responsible person (*a*) that since August 5, 1914, the securities have remained in physical possession in Egypt or in an Allied country, and have not been in the ownership of an alien enemy; and (*b*) that, since the date of the Proclamation, they have remained in physical possession in Egypt and have not been owned by an alien enemy. Securities deposited against loan are deemed to be in the ownership of the lender.

Restriction of Liquor Trade.—Another series of proclamations considerably limited the sale of alcoholic liquor under severe penalties, to be imposed by the Military Courts. The principal object was to safeguard the health of the troops, but incidentally the proclamations brought about, for the benefit of the whole community, several much-needed reforms which had hitherto been impeded by the fetters of the Capitulations.

Special officers were appointed in the towns to inspect any public establishment where alcoholic liquor was sold; and any person selling adulterated liquor was made liable to imprisonment for six months, or a fine not exceeding £E100.

The sale of absinthe was altogether prohibited, and any person having it in his possession in a public establishment was liable to be dealt with under martial law.

Subsequently the powers of the Military Courts were extended so as to cover the confiscation of any adulterated liquor imported into Egypt as also of any substances which in the opinion of the Court were designed for use in its preparation.

The sale of alcoholic liquors was originally prohibited by a proclamation issued in June 1915, between 10 p.m. and 5 a.m., and public establishments were to be closed at 10 p.m. unless a special licence were obtained. An offence against these regulations was punished with the same penalties as the adulteration of liquor. A

proclamation of November changed the hour for closing establishments and for stopping the sale of liquor to 9 p.m.

Military Offences.—Several special military offences were dealt with by proclamation. It was made punishable with two years' imprisonment or a fine of £E100 to purchase or receive from any soldier, etc., or any person acting on their behalf, any arms, equipment, clothing, provisions, forage, or animal the property of the Government unless the person proved that it was sold by order of some competent military authority.

By another proclamation it was declared an offence punishable under martial law to fail to reveal any information in the individual's knowledge as to the existence of any plot against the established order of government to the nearest civil or military authority.

Another order of the military authority declared it an offence punishable with imprisonment or fine to throw any article from a vessel into the Suez Canal; and the captain of the vessel was made responsible for the observance of this regulation.

2. MALTA.

[*Contributed by* ALBERT GRAY, ESQ., C.B., K.C.]

Ordinances passed—10.

Coal.—An Ordinance of 1890 for the protection of "owners of coal stored or afloat in the harbours" is amended. No person may dredge for coal or other articles in any harbour without a permit from the Superintendent. The police may seize any quantity of coal less than five tons which may be suspected of being acquired unlawfully (No. 10).

Emergency Legislation.

Tariff.—Dutiable articles imported as gifts to members of the forces are to be admitted free of duty (No. 1).

Currency.—The United Kingdom currency notes are made legal tender (No. 5).

Maltese Corps.—An allowance of £50 per annum is made to each officer of the Corps serving with the Imperial Forces (No. 8).

3. CYPRUS.

[*Contributed by* ALBERT GRAY, ESQ., C.B., K.C.]

Laws passed—3.

Effect of Annexation.—Law No. 2 recites the Annexation Order in Council of 1914, and that the greater part of those persons in Cyprus who before the war were Ottoman subjects have now become British subjects. It is therefore enacted that the British Subjects Marriage Law of 1889 is not to apply to those who were, until the Order, Ottoman subjects. On the other hand the Infants' Estates Administration Law, 1894, and the Births and Deaths Registration Laws, 1895 and 1913, shall continue applicable to those persons as British subjects.

The other two Laws are Money Acts.

FOREIGN.

1. DENMARK.

[*Contributed by* P. SKADHAUGE, ESQ.]

The year 1915 has given to Denmark only one Act worthy of general attention, namely, the Constitution Act of June 5, 1915.

Denmark was, in 1660, made an absolute kingdom. The autocracy disappeared in 1849, but the then established Constitution underwent, in 1866, an alteration in favour of conservative interests. Nearly thirty years' constitutional contest was the result. In the years 1877 and 1885–94, the Constitution was infringed; the liberal majority of the Lower Chamber (the Folkething) rejected the Budget and the Government carried on affairs through a provisional Budget, closing Parliament and then relying upon an article in the Constitution which provided that in very urgent cases the King, when Parliament is not sitting, can issue provisional Acts.

On July 23, 1901, a Cabinet was formed which represented the views of the majority of the Folkething. An excellent point in the new Cabinet's programme was the reform of the Constitution removing the amendments which had been made in 1866. The Constitution Act of 1915, June 5, embodies the result of the efforts in that direction.

Under this Act, the electoral franchise to both Chambers is based upon the principle one man one vote, and the word "man" is expressly stated to include "woman." Excepted from electoral rights to the Chambers are merely:

1. Persons who have not their domicile in the realm;

2. Criminals, more closely defined as persons condemned for a disgraceful act and not having afterwards regained their honour;

3. Persons supported by parish relief or having the benefit of it without its being refunded or remitted;

4. Bankrupts and persons declared incapable of managing their affairs.

The age for obtaining the vote is fixed for the Lower Chamber at twenty-five years completed, and for the Upper Chamber (the "Landsthing") at thirty-five years.

The members of the Landsthing are nominated indirectly. The voters elect electors, and these nominate the fifty-four members. Eighteen members of the Chamber are elected by those who are, on the day when the new elections are ordered, members of the Chamber. Any election to the Upper Chamber is made by means of proportional representation.

The election period to the Upper Chamber is eight years.

The members of the Folkething are elected directly by the voters. Their number must not exceed 140, and the election period is four years.

Eligible for the Lower Chamber is any one who has the right of election to that chamber. Eligible for the Upper Chamber is any one who has the right of election to that chamber and has his domicile in the electoral district.

It is expressly provided that Parliament shall be held every year and that the King can close Parliament, but not until the Budget Act has been passed.

It is provided that the Budget Bill shall first be dealt with by the Lower Chamber. No tax or rate must be collected before the Budget Act has been passed.

Provisional Laws are allowed to be issued by the King in very urgent cases, when Parliament is not sitting, but must not be contrary to the Constitution and shall be submitted to the next Parliament, immediately after its meeting—first to the Lower Chamber—and are dropped if not confirmed by this Parliament.

It is provided that members of both Chambers shall have the same allowances.

The King can dissolve the Lower Chamber, but only in exceptional cases the Upper Chamber. Parliament shall meet again before two months after the dissolution.

The Lower Chamber (and the King) can indict the ministers (secretaries of State) before the State Court, which consists of the ordinary members of the Supreme Court of Law of the realm and a corresponding number of the members of the Upper Chamber, elected by the Chamber itself for four years.

Any question as to whether the authorities have exceeded

their power is to be decided by the Law Courts. State officers are appointed by the King (*i.e.* under the counter-signature of a minister). The King also can remove a State officer, excepting only the judges, who cannot be removed until they have completed their sixty-fifth year, in which case they may be removed, but without diminution of income.

The remainder of the provisions in the Constitution Act do not differ materially from those which may be found in other countries.

2. FRANCE.

[*Contributed by* M. C. SANSAS, *docteur en droit.*]

During the year 1915 the Senate and the Chamber of Deputies have passed a large number of laws of which some were made necessary by the war.

Here is an analysis of the most important of them.

War Legislation.

Army.—Young men of eighteen and nineteen years of age are called to the colours at once, men of forty-eight are kept at the disposition of the Minister of War.

The enlistment in the French Army by means of the " Foreign Legion " of natives or citizens belonging to states at war with France or her allies is forbidden for the duration of the war.

The natives of the fully-constituted communes of Senegal are liable to military service.

The Law of April 17, 1915, assures the even distribution and the better utilisation of men called up or liable to be called up for service.

The pay of brigadiers (cavalry), corporals (infantry), and privates is raised.

The Law of April 8 institutes a decoration called the Military Cross destined to commemorate the mention of individual acts of bravery in the war achieved by the Army and the Navy, by an army corps, a division, a brigade, or a regiment.

The death certificate of soldiers, doctors, ministers of religion, hospital orderlies and nurses, who have been killed in action or who have died of wounds or who have lost their lives in a hospital while tending the wounded will contain the mention " died for France."

The same applies to civilians killed by the enemy, either as hostages or in the exercise of public functions.

Financial Measures.

By a succession of Laws the limit of issue of ordinary Exchequer Bonds and bonds for national defence is fixed at 7 milliards of francs.

The Minister of Finance is authorised to issue bonds, which must be redeemed by 1925. These bonds are free of tax.

The Government is authorised to issue in the United States conjointly with the British Government one or more loans, the coupons of which are free of tax.

The amount of the advances that the Minister of Finance is authorised to make to Allied or friendly countries is fixed at the sum of 1 milliard, 350,000,000 francs.

Economic and Social Measures.

Allowances are granted to indigent families whose sole supporter has been killed, taken into captivity, or held prisoner.

Government officials and civil agents who, whilst performing a military duty, suffer from wounds or disablement which would entitle them to a military pension may renounce it and claim the advantage of their ordinary rate of pension.

Whoever carries out or attempts to carry out any agreement or business relationship whatever, either with the subject of an enemy Power or any person living in his territory, or with an agent of such subject or person, will be punished by imprisonment of from one to five years and a fine of 500 to 20,000 francs, or by one of these penalties only.

The Law of April 4, 1915, protects the owners of personal property dispossessed as a consequence of acts of war in the territories occupied by the enemy. The state is authorised to guarantee to the British Government the payment of the part not immediately due of the sale price of captured steamers of which the French owners have become purchasers.

Temporary regulations are established with regard to industrial property, particularly in connection with the letters patent of inventions belonging to subjects of the Empires of Germany and Austria-Hungary.

Merchandise made in or coming from Germany or Austria-Hungary falls within the same custom laws as prohibited merchandise.

Whoever commits or attempts to commit an infraction of the regulations prohibiting the export of certain goods will be punished with one month's to two years' imprisonment and with a fine of 100 to 5,000 francs, or with one of these penalties.

The holders of metal work lathes of all kinds, hydraulic presses or steam hammers of any weight above 2 tons, are bound to declare them to the military authorities under penalty of a fine of from 50 to 1,000 francs. False declarations made knowingly will be punished by a fine of 50 to 2,000 francs.

The Government is authorised to revoke the decrees of naturalisation obtained by former subjects of powers at war with France.

In time of war for serious reasons and on the authorisation of the Minister of Justice and the Minister of War or the Minister of Marine the marriage may be celebrated of soldiers or sailors without the future husband, if he is with the colours, being obliged to appear in person, but on condition of his being represented by a special proxy. Soldiers and sailors, prisoners of war, may also be married by proxy.

Persons condemned by the ordinary tribunals who have been called to the colours in time of war, and are mentioned for acts of bravery in the report of officers of an army, an army corps, of a division, a brigade, or a regiment, may demand their rehabilitation without any condition of time or residence. Persons condemned for military offences are fully reinstated on the simple declaration of the mention of bravery.

Married women who find it impossible to obtain their husbands' authorisation on account of the war can obtain it from the tribunals in cases of urgency. The mother exercises the paternal authority in default of the father prevented by the war and in the same cases.

Children born in France of Belgian parents during the war or in the year following the cessation of hostilities will not be of French nationality if their representatives refuse for them the status of Frenchmen either during the war or in the year following the cessation of hostilities.

Credits in addition to the provisional credits are given to the Minister of Commerce for the purpose of purchasing or selling wheat and flour for the revictualling of the civilian population.

Ordinary Legislation.

The manufacture, the wholesale and retail sale as well as the circulation of absinthe and of similar liquors referred to in the Laws of January 30, 1907, and of December 26, 1908, are forbidden.

The Law of March 17, 1915, completes that of August 8, 1913. The hotel-keeper may borrow on the furniture, even if it has become a fixture, by arrangement. In case of dispute between a holder of the certificate and a mortgagee, the order is settled by the date of the transcription of the first endorsement of the certificate and the date of the inscription of the mortgage.

The communes may for purposes of sanitation require the expropriation of buildings or of quarters recognised as insanitary. This requisition must be submitted to the Sanitary Commission, to the departmental council of hygiene, to the committee of the Society for Cheap Housing, and to the prefect, who shall order an investigation and an expert inquiry and who shall decide after these formalities if expropriation shall be proceeded with.

The Law of July 10, 1915, prescribes the measures required to ameliorate the position of women tailoresses working at home from the point of view of pay.

The Law of July 19, 1915, modifies Arts. 407 and 436 of the Commercial Code in order to make them harmonise with the principles contained in the Convention signed at Brussels on September 23, 1910 (collisions between seagoing vessels or between seagoing vessels and vessels for navigation on rivers or canals).

Wills made in a place cut off from communication on account of contagious disease may be made before a magistrate or one of the municipal officials of the commune in presence of two witnesses. The same applies to those European islands where there is no notary's office, when it is impossible to communicate with the continent.

The Law of August 17, 1915, completes the Laws of April 5, 1910, and of February 27, 1912, with regard to the pensions of workmen in town and country.

The Law of November 9, 1915, regulates the granting of new licences for the sale of liquor.

The Law of December 18, 1915, concerns the co-operative societies of production having for object the exercise in common of the pro-

fession of the associates in undertaking works of construction, for the sale of objects made or wrought by them, or produced by their labour. These societies must consist of at least seven members, who must be workmen or employees, and are constituted according to one of the forms ordained by the Law of July 24, 1867.

Judgments given by the magistrates, which up till now could not be appealed against in the Cour de Cassation except for abuse of powers, may now also be appealed against for violation of the law.

The following are legitimised by the subsequent marriage of their father and mother, if the latter recognise them at the time of the celebration of marriage: 1. The children born of adulterous intercourse of the mother if they are repudiated by the husband or his heirs. 2. The children born of adulterous intercourse of the father or of the mother when they are held to have been conceived at a time when the father or the mother had a separate domicile in virtue of Art. 878 of the Code of Civil Procedure. 3. The children born of adulterous intercourse of the husband in all the other cases if there does not exist at the time of the subsequent marriage legitimate children or descendants, issue of the marriage in the course of which the adulterous child was born or conceived.

According to the Penal Code discrimination was not made between the receiver of stolen goods and the principal author of the offence and they were both punished with the same penalty. The Law of May 22, 1915, has made the act of receiving a special offence and applied special penalties to it according to the circumstances of the case.

Income Tax.—This tax, already instituted by the Law of July 15, 1914, could not be enforced immediately on account of the war, but the Law of December 29, 1915, decided that it should be levied from January 1, 1916.

The head of the family is liable to this tax for his own personal income as also for that of his wife and other members of his family living with him. Persons whose taxable income does not exceed 5,000 francs (£200) are exempted. Married taxpayers are allowed exemption on 2,000 francs (£80) of their annual income; if they have any one dependent on them they may claim exemption on 1,000 francs (£40). The following persons are recognised as dependents: ascendants either infirm or of more than seventy years of age, descendants either infirm or less than twenty-one years of age.

The tax is calculated thus: reckoning as one-fifth the fraction of the taxable income between 5,000 francs (£200) and 10,000 francs (£400); as two-fifths the fraction between 10,000 francs (£400) and 15,000 francs (£600); as three-fifths the fraction between 15,000 francs (£600) and 20,000 francs (£800); as four-fifths the fraction between 20,000 francs (£800) and 25,000 francs (£1,000); as the whole the remainder of the income. To the amount thus obtained is applied the rate of 2 per cent. On the tax thus calculated the taxpayer has the right of an abatement of 5 per cent. for one person dependent on him, of 10 per cent. for two, of 20 per cent. for three. For persons beyond the number of three the abatement is 10 per cent. for each, but it may not amount to more than one-half of the total tax.

The taxpayers sign a declaration which is checked by controllers solely with the help of definite information which they possess in virtue of their functions.

3. ITALY.

[*Contributed by* C. CANESTRO, ESQ.]

Notwithstanding that Italy entered into the war on May 23, 1915, only, all the legislation of the year 1915 concerns provisions relative to the war, the period preceding the month of May being completely devoted to civil and military preparations for war.

National Defence.—An Act of Parliament, dated March 21, forbids the publication of any news concerning the strength, or preparations or military defences of the State; punishments are provided for taking sketches, drawings, or photographs of defence works, or for improperly obtaining information relating to them.

Delegation of Powers.—The last Act of Parliament before the war was passed on May 22, in order to enable the Government to publish during the war decrees with the same force as Acts of Parliament, for all purposes that might be necessary for the defence of the State, public order, or national economy.

The same Act empowers the Government to issue loans and make other arrangements to meet the exigencies of the Exchequer.

Civil and Commercial Transactions (Decree May 27).—No claim for damages is allowed on account of non-fulfilment of contracts

if these can only be carried out with excessive prejudice to the contractor in consequence of the state of war.

Delay may be allowed in legal proceedings, and commercial payments may be postponed, if justified by the state of war. Decree of June 20 : These special rules do not apply to contracts relating to public services or public works.

Decree of May 30 : It is not possible to claim damages in case of delay in the execution of a contract if manufacturers or merchants defer the execution of a contract in order to give preference to the War Ministry's demands for supplies.

Decree of May 23 : Any limitation of time (prescription) in favour or against any person in military service will be suspended until the sixtieth day after peace shall have been declared.

Rents and Duties (Decree of June 3).—If the head of a family is called to serve under arms he can immediately cancel his lease, or pay half rent, till the end of his service. This rule is applied only to small rents, or tenancies, and the half rent not paid must be paid within a year after the military service is over.

Decrees of June 20 and July 15 : Some delay is allowed for payments of patents duties and death duties.

Decree of September 25 : The preceding regulation is also extended to British and French subjects.

Exportation (Decree of June 10 and many others of earlier date).—As in all other countries, the exportation of many goods and materials is prohibited ; for some goods, however, special licences are obtainable.

Contraband (Decrees of June 3, July 18, September 2).—A long list of articles of absolute and conditional contraband is contained in three decrees.

Financial Measures.—Decree of June 15 : Issue of a loan at $4\frac{1}{2}$ per cent. Decree of December 22 : Issue of a loan at 5 per cent. Other decrees provide the means of meeting the war expenses by the issue of State notes and Exchequer bonds.

War Materials (Decree of May 20).—All private factories of munitions, guns, warships and war materials generally are placed under the supervision of the military authorities.

Industrial Mobilisation (Decree of August 22).—Several district committees are appointed in order to stimulate in every way an increase in the output of munitions and war materials in general.

Decree of June 13 : During the war soldiers' sons from twelve to fifteen not yet having completed their studies are admitted into factories, notwithstanding the provisions of the Act of November 10, 1907.

Brown Bread (Decree of August 23) : In order to economise wheat the baking of a special kind of brown bread is made compulsory.

Agriculture (Decree of June 3) : The owners of agricultural machinery and farm animals are obliged to lend them to others in order to facilitate the in-gathering of the harvest of the current year.

Decree of November 21 : Temporarily the duty on the importation of wheat is abolished.

Navigation (Decree of June 3).—Adopting the Declaration of London, February 26, 1909, Rules 22, 24 and 28 are excepted and the following modifications are introduced :

A vessel having, according to her papers, a neutral destination, but in fact proceeding to an enemy's port, may be captured and confiscated if encountered before the end of the return voyage.

Notwithstanding Rule 35 (Declaration of London), conditional contraband may be captured on board of a vessel going to a neutral port, if the papers on board do not show the name of the consignee of the goods or if the consignee resides in enemy's territory.

At any time when the Government knows that an enemy State is supplying his armed forces through a neutral State, Rule 35 (Declaration of London) will not have any application, and vessels carrying conditional contraband to a port of that neutral nation are liable to be captured.

Decree of July 15 : Instructions are given to naval officers how to exercise the right of capture of vessels ; the measures are similar to those taken by Great Britain in connection with contraband. Decree of June 17 : The enemy's vessels seized or captured are used under the Italian flag, a record of the freight will be kept and an account given, when the war is over, to the owners of the vessels. Decree of June 24 : From the above-mentioned sum will be deducted the amount necessary to indemnify Italian citizens for losses suffered by the bombardment of undefended towns or by the destruction of unarmed vessels.

Penal Law (Decree of May 27).—Amnesty is granted for crimes punishable by terms of not exceeding thirty months' imprisonment.

Citizenship (Decree of July 25).—During the war aliens are not allowed to obtain Italian citizenship.

Marriage (Decrees of June 24 and October 14).—Officers and privates during the war may be married by proxy. In peace time the presence of the bride and bridegroom before a State official is necessary, in war time the bridegroom can be represented by another person authorised by him.

Allied Aliens (Decree of November 25).—All facilities for payment, fulfilment of contracts, granted to Italian citizens under military service are applied also to Allied subjects in the same condition.

Taxes (Decree of September 15).—In order to provide for war expenses, for the duration of war special taxes or supplementary taxes are imposed on the exportation of all goods and machinery (especially sugar, chemicals, wood, minerals, motor-cars, corn, potatoes).

Mineral Oils: The sale of all mineral oils (petroleum not included) is charged with a tax of 8 francs per 100 kilos.

Tobacco, spirits, beer and sugar: The old taxes are raised.

Decree of October 12: further taxes are charged on: *exemptions* from military service; the exempted, according to their income (not lower than 1,000 francs), are subject to a special tax, rising from 6 to 3,000 francs a year.

Salaries of managers of Limited Companies (*Società Anonima*): The managers must pay, in addition to income tax, a special tax that varies from 5 per cent. to 20 per cent. according to the amount of their salaries.

Many other taxes already existing are raised.

Decree of November 21: Further taxes are imposed, namely, an extra 1 per cent. on any income already taxed; this 1 per cent. (called *centesimo di guerra*) is also charged on any sum paid by the State, county councils, or borough councils to their creditors.

Extra war profits: A special tax (besides income tax) is charged on extra profits realised from August 1, 1914, to December 31, 1915, by business men, manufacturers, and brokers in consequence of the European war, according to the following scale:—

	Of the Capital.
10 per cent. on the profit from . .	8 to 10 per cent.
15 „ „ „ „ „ . .	10 „ 15 „ „
20 „ „ „ „ „ . .	15 „ 20 „ „
30 „ „ „ „ „ . .	20 per cent. upwards.

Posters: The existing tax is increased in proportion to the size of the poster.

Bicycles, Matches and Salt: The existing taxes are increased.

Stamps: Inland letters are charged 2*d.* instead of 1½*d.* as before, but letters addressed to soldiers 1*d.*

4. NORWAY.

[*Contributed by* E. CORNELIUSSEN, ESQ.]

Legislative reforms of great importance have been carried through in the year 1915.

Labour.—An Act of August 6 is intended to reduce the number of strikes and lock-outs. Ss. 6 and 7 provide that any dispute between employers and workmen concerning the validity, construction or application of "tariff agreements" shall be referred to a special "Labour Court" established by the Act. And any strike or lock-out originating in such existing agreements between the employers' and the workmen's organisations are therefore declared unlawful and punished by fine. The Act further provides that in the case of a strike, which is not thus declared unlawful, in particular where a wages agreement has expired and the dispute concerns the terms of the one to be substituted, a certain amount of time must first be allowed for a Reconciliation Board to try to effect a settlement. (The Act does not go so far as to create compulsory arbitration in case the attempts at reconciliation should fail. But this further step has been taken by an Act of 1916, which is, however, to be only of a temporary character.)

An Act of September 18 for the better security of industrial labourers restricts the employment of women and children, cuts down the working hours—as a rule they must not exceed ten hours a day or fifty-four hours a week or for miners forty-eight hours—and reduces night work and provides for a more efficient system of inspection.

Family.—An Act[1] of April 10 gives to natural children practically all the rights of the legitimate ones, the underlying principle being that it is unjustifiable to let the children suffer for the immoral relations of their parents. According to the law as it previously

[1] This law was considered at length in an article by the President of the Storthing, vol. xvi. p. 283.

stood, a natural child would inherit from its mother and would take her name, but would not take the father's name and would, failing a will, not inherit from him. But now this has been altered. Nor can the father by will disinherit his child, because according to Norwegian law all children of a deceased person, and now among them the illegitimate children of a deceased father, have a right which they cannot be deprived of to share between them three-fourths of the property left. So, to take an instance, the uttermost a father leaving one natural and one legitimate child can do in favouring the latter is to let him have by will the "free" fourth of the property; the remaining three-fourths the two will now have to share equally.

Further, in order to assist the natural children it is regarded by the Act as a public duty in all cases to determine the question of fatherhood. The mother is bound to name the father, and a special form of procedure is provided for in the law-suits instituted to solve the question where there is doubt. And one of the judges of the Court of Christiania is fully occupied in dealing with the cases brought in the capital alone.

Another of the Acts of April 10 makes it a good reason for divorce that after marriage has taken place it is discovered by either husband or wife that the other is the parent of an illegitimate child.

Concessions.—The strong tendency in Norwegian legislation to make State concessions necessary for the acquisition of real property of different kinds still prevails. An Act of August 13 amends the previous Act of 1909 dealing with forests and woods so as to increase the number of cases where a concession is required, and an Act of August 27 deals with highland property. The question of further extending the principle is under constant consideration.

Procedure.—During the last decade the question has been eagerly discussed of completely reforming the whole system of Civil Courts and the course of procedure in civil cases. All were agreed that reforms were needed, but opinion differed widely as to how radical the change would have to be. Many lawyers contended that a complete adoption of modern principles would never do.

On May 14, 1915, three statutes containing nearly one thousand paragraphs were passed. The first deals with the organisation of Courts, the second reforms the civil procedure, and the third reforms the law relating to the enforcement of contracts.

The Acts have not yet come into force, nor has the date been fixed for them to do so.

Lay judges sitting with the judge and deciding with him questions of fact and of law alike have hitherto only acted in special cases, *e.g.* in commercial and maritime cases, but now the lay element has been introduced on a far greater scale. The new Act will abolish the old system of pleading in writing and it is hoped that the cases can therefore be disposed of in considerably less time than now. On the other hand it is feared that the costs of pleading will be much higher. A further change is made that, whereas under the old system all Courts, including the Supreme Court of Appeal, were equally competent to decide not only questions of law, but of fact also, under the new Act a case shall only be taken to the Supreme Court on questions of law.

War Legislation.—Although many statutes have been enacted, none of them seems to require to be specifically dealt with here.

5. SWEDEN.

[*Contributed by* SIEGFRIED MATZ, ESQ.]

Among the Laws passed in Sweden in the course of 1915, the following may be singled out as having a title to general interest.

The continued collaboration of the Scandinavian countries in the domain of civil law yielded as its results for that year the Law of November 12, 1915, regarding the Conclusion and Dissolution of Marriage, as well as two Laws of June 11, 1915, one relating to Contracts and other Legal Documents concerned with Rights of Property, the other relating to Purchase by Instalments.

Marriage.—The Law regarding the Conclusion and Dissolution of Marriage has essentially modernised the Swedish marriage law. Thus the legal principles of "incompleted marriages" (*ofullkomnade äktenskap*) and "divorce a mensa et thore" (*skillnad till säng och säte*) were abolished. The former was replaced by certain enactments with regard to damages, intended to protect a betrothed woman against the consequences of infidelity on the part of the man, when she has been "got with child" by him, and the latter by the legal principle of "separation of domicile" (*hemskillnad*), which involves an annulment of cohabitation by sentence of Court,

and which, as prescribed, must in certain cases precede the final divorce. Certain modifications have been adopted, in connection with this reform, in the Law of July 8, 1904, relating to certain International Legal Principles with regard to Marriage and Guardianship.

Contracts.—The Law relating to Contracts and other Judicial Acts concerned with Rights of Property is mainly intended to codify the rules regarding general legal obligations which had hitherto been developed out of legal practice.

Hire-Purchase System.—The Law regarding Purchase by Instalments is mainly intended to protect the rights of the purchaser in so-called "hire-purchase contracts," *i.e.* in contracts which, though in reality purchase contracts involving successive payment of the purchase sum, are nevertheless frequently given the form of a contract of hire in which the person who hires or sells either reserves to himself the right of ownership of the goods until the whole sum or a part thereof has been paid, or else the right to take back the goods if the person who hires or purchases should neglect to perform his obligations. Under this Law the purchaser, where the seller endeavours to enforce such a right, shall not be under an obligation to surrender the goods unless the seller pays to him the sum by which the value of the goods at the time in question is found to exceed the aggregate amount of firstly 90 per cent. of the instalments which have not yet fallen due for payment, and secondly the full amount of instalments which have fallen due, but have not yet been paid.

Appeals.—The Law of May 14, 1915, regarding Appeal against the Decisions of the Lower Court of Appeal (*Hovrätt*) has introduced into Swedish Law the principle of "summa revisibilis." Under the new Law the final decision of the Lower Court of Appeal in causes relating to moneys, or such things as can have a monetary value assigned to them, shall not be appealed from to the highest Court of Appeal when the value of the sum which the party has lost in the Lower Court of Appeal manifestly does not amount to 1,500 kroner. Nevertheless a party can apply to the King for permission to carry his case before a higher Court if he believes that it would be of importance, from the point of view of precedent, that his case should be tried in the highest Court, or if he is able to show that the appeal would be of special importance to him beyond the actual case in question.

Moratorium. — In virtue of the Law of September 18, 1914, in pursuance of which the King is entitled under certain circumstances to promulgate decrees with regard to Moratorium, the Royal Decrees of February 20, May 25, and September 21, 1915, have been issued whereby postponement of the payment of debt to creditors resident outside Sweden has been successively extended so as to be in force until January 1, 1916.

The restrictions which were in force as early as 1914 as regards the right of creditors to procure payment out of pledged securities, as well as the prohibition against the executive sale of real property in certain cases, have during the year 1915 been restricted and finally suspended by the Royal Decrees of February 20 and May 25. The period of the postponement of the payment of certain patent fees has likewise been restricted.

The Law of April 30, 1915, has firstly provided for exemptions in certain cases from the regulations as to the prescription of bills of exchange and cheques—in connection wherewith s. 92 of the Swedish Bill of Exchange Law of 1880 has been amended in certain respects—and secondly has provided that the prescription of annulment claims shall, in relation to an issuer or transferrer of a bill of exchange who in virtue of special enactments enjoys the right of postponement of the payment of the claim, not set in before the lapse of two months from the expiry of the postponement.

War Legislation.—The Law of June 3, 1915, relating to the Disposal of certain Goods in the case of War, Danger of War, or other extraordinary circumstances resulting from War, has in the main repeated the regulations which had already been enacted in the Law of October 9, 1914, on the same subject. In addition to this, it entitles the King, if under the conditions referred to the costs of transport or supply of such goods as are referred to in the Decree should rise to an appreciably higher level than is warranted by the circumstances of the case, to fix a maximum amount for such costs. The Law moreover prescribes that an owner of a vessel which is required for the purpose shall be under obligation under certain circumstances to transfer his vessel to the Crown for a reasonable hire, or, upon compensation for the full value, to surrender his vessel to the Crown.

Among resolutions affecting **International Law** should be noted the Royal Decree of October 29, 1915, relating to the Convoying of

Swedish Merchant Vessels during War between Foreign Powers; and the Royal Decree of November 29, 1915, supplementing the Royal Decree of December 20, 1912, containing certain regulations with regard to Sweden's Neutrality during War or Danger of War. The Decree of November 29, 1915, prescribes that submarines of a foreign Power, with certain exceptions, shall not be entitled to navigate or be present in Swedish territorial waters within three nautical minutes from the mainland, or from the furthest rock off the Swedish coast which is not continually submerged.

6. UNITED STATES OF AMERICA—STATE LEGISLATION.

[*Contributed by* R. Newton Crane, Esq.]

The volume of legislative Acts in 1915, both of the United States Congress and the several States, is considerably in excess of the normal. In Congress nearly 29,400 bills were introduced, of which comparatively few were finally passed, and of those that became statutes, only a small number were of importance. It should, however, be borne in mind that the number here given embraces private as well as public Acts. In all but one of the States power of veto is given to the Governor, and it is worthy of note that this power was freely exercised. In the forty-three States whose legislatures met in 1915, no fewer than 16,222 bills were passed. Of these 15,033 became law by the approval of the governors, 1,066 were vetoed and twenty-two were again passed over the veto. The governors of California, New York, and Pennsylvania appear to have been specially independent in opposing the action of their respective legislatures. In each of these States nearly one-third of all the Acts passed were vetoed, and were thus prevented from becoming laws.

The most notable features of the legislation are the reform measures, principally for the purpose of simplifying judicial procedure and guarding and protecting the welfare of the individual members of the community. Some of the latter are of a eugenic nature, as their apparent intent is the welfare of future generations.

Jurisprudence and General Practice Acts.—In Michigan the English practice under Order XIV is adopted, so that now summary judgment may be entered in contract actions in the plaintiff's affidavit of claim unless the defendant files an affidavit disclosing

merits of defence. A like provision has been adopted in West Virginia, where the practice is extended to equity as well as to common law claims. In Pennsylvania, Michigan, and Vermont certain proposals and recommendations of commissions and Bar Association committees, tending to simplify procedure and advance the final determination of litigation, were adopted. In Michigan and Minnesota an appellate Court may render a judgment in favour of the party lawfully entitled thereto notwithstanding the verdict of the jury in the Court of first instance. A further Michigan Act strikes at the cause of delay in litigation in American Courts, consequent upon the remanding of cases reversed upon appeal for new trial in the Courts below, by prohibiting the setting aside of a verdict or granting a new trial on account of mere technical errors.

Service of Process.—A novel North Carolina Act authorises sheriffs and constables to serve subpœnas and summonses for jurors by telephone, the return of the officer stating that the process was served in that manner. In Montana summons against a corporation not found within the State may be made upon the attorney-general.

Jury Trials.—Pennsylvania authorises in any action at law a written demand for a jury, and if neither party files such a demand the right is forfeited. In California if the requisition for a jury is not made or if the necessary jury fees are not deposited, a jury is deemed to be waived. In South Dakota a verdict in civil cases of five-sixths of the jury is entered where a unanimous verdict cannot be obtained.

Newspapers and Libel.—In South Dakota an Act provides that before any action for libel can be brought against a newspaper, or its editor or publisher, other than a libel of or concerning a female, the plaintiff must give at least three days notice, and if the statement were published in good faith and a retraction was made in as conspicuous a type as the original statement and in the same position in the paper, the plaintiff will not be entitled to recover primitive damages. If the alleged libel is against a candidate for office the retraction must be made editorially three days in the case of a daily paper, and ten days in the case of a weekly paper, before the election.

Probate Practice.—In Texas when any foreign will is duly filed and recorded in the county in which property of the deceased is

found, the executor or trustee may sell such real and personal property, if so directed by the testator, without an order of any local Court being first obtained. In Delaware a will of a non-resident is admitted to probate in that State upon the production of a certified copy of the record of its filing in the State. In Kansas executors and administrators are required to make final settlement within thirty days after two years from their qualifications, under penalty of all the costs connected with a settlement after citation by the Court.

Crimes and Criminal Prosecutions.—In North Carolina it is a misdemeanour for any officer to require a person charged with a criminal offence to appear for trial in other than civilian dress. Nevada provides that where a defendant in a criminal case gives evidence on his own behalf, no special instruction shall be given by the judge relating exclusively to his evidence or particularly directing the attention of the jury to his testimony. In Ohio it is a misdemeanour to refuse to permit an accused person in custody to consult privately with his legal advisers at any reasonable hour. A Kansas Act makes it a misdemeanour to expose or threaten to expose a discharged prisoner in order to extort money or prevent him from obtaining employment.

Capital Punishment is abolished in North Dakota, Oregon, and South Dakota. In the last named State a person convicted of murder in the first degree may not be pardoned until he shall have been confined in the penitentiary for half the term of his life expectancy, based on the Carlisle tables of mortality. In New Hampshire if the jury finds the accused guilty of murder in the first degree, the punishment is life imprisonment unless the jury direct capital punishment. If a plea of guilty is entered the Court may ask the jury whether the sentence shall be life imprisonment or capital punishment. In Wyoming the jury upon conviction may qualify the verdict by adding " without capital punishment."

Initiative, Referendum and Recalls.—In Washington petitions for these purposes must contain a warning against their signature by persons not legal voters or by other than their true names, and a certificate is required that all the signers shall identify themselves in the presence of a registration officer at his office. California makes it a felony, punishable by fifteen years' imprisonment, to subscribe a fictitious name or another name to such petitions.

California also, and Nevada as well, make other reforms in these measures to prevent their constant abuse.

Divorce.—The legislature of Colorado has passed a new and comprehensive Divorce Act. The causes for which divorce may be obtained, only slightly altered from the former Act, are impotency, adultery, wilful desertion for one year without reasonable cause, extreme and repeated cruelty, mental and physical, failure by the husband when in good health to provide for the support of his family, habitual drunkenness or drug-taking for a year, or conviction of felony. Jurisdiction is given to districts and county courts depending upon the measure of the claim for alimony, the trial must be by a jury of from three to twelve jurors at the election of the parties, and a decree absolute is made after six months. A residence of twelve months in the State is necessary before an action can be brought. Nevada has reverted to a six months' residence as a qualification for jurisdiction, thus reviving the opportunity for scandal which for some years characterised proceedings in that State. In West Virginia divorced persons are prohibited from marrying within six months and the Court may extend this term to five years against the guilty party. A proctor is appointed in Tennessee who shall attend the trial of every divorce case, investigate the charges and be prepared to advise the Court. He is given power to examine witnesses or parties. West Virginia makes similar provision.

Husband and Wife.—Several States removed the common law disability from women, and gave them further power to own, control, and devise their own property. Pennsylvania now gives married women the right to appoint testamentary guardians of the person and the estate of their children. Texas provides that all property or money received by a wife as compensation for personal injuries shall be her separate property. New Mexico abolishes the control of the husband over the real property of the wife and permits both husband and wife to convey or mortgage separate property without the other joining in the conveyance. In Maine both husband and wife may independently convey separate property if they have been living apart for good cause for over a year. In Pennsylvania no wife who for a year before the death of her husband has wilfully or maliciously deserted him shall have the right to claim any title to his estate after his death.

Communicable Diseases.—Physicians are required to notify

venereal diseases in Connecticut and Vermont. In Vermont a person who has sexual intercourse or who marries knowing himself to be infected with gonorrhœa or syphilis, is liable to a fine of $100, or imprisonment for two years. The State board of health is required to enforce quarantine regulations. In Ohio a physician who informs a party to a contemplated marriage that the other is suffering from such disease is not to be deemed guilty of betrayal of professional secrets or liable for damages. Wisconsin has amended her law on the subject, and now requires a thorough scientific examination of male applicants for marriage licence and a certificate that the applicant is free from venereal disease.

Feeble-Minded.—The Illinois legislature passed an Act to make better provision for the care and detention of feeble-minded persons. In the Act such person is defined to be one afflicted with mental defectiveness from birth or early age, so pronounced as to be incapable of managing himself or his affairs or of being taught to do so. Any relative or reputable citizen may by leave of the Court file with the Clerk of the Court a petition setting forth that the person therein named is feeble-minded and the facts as to his social condition, so that want of proper supervision or other causes make him unsafe and dangerous to the welfare of the community. There must be endorsed upon the petition the names of persons able to give evidence of the alleged facts. The Court upon proof of the allegations may direct that a proper guardian be appointed and that the feeble-minded person may be committed to a suitable institution. "The guiding and controlling thought of the Court throughout the proceedings shall be the welfare of the feeble-minded person and the welfare of the community." The Utah legislature appointed a commission to investigate the subject of the care, custody, treatment, and training of feeble-minded persons and the results of similar investigations in other States.

Sterilisation.—A former Iowa statute providing for the sterilisation of habitual criminals and degenerates was pronounced unconstitutional[1] because it provided a cruel and unusual punishment, denied to the prisoner to be operated upon due process of law, and inflicted punishment for past offences by legislative act without jury trial. A new statute has now been passed which provides that if the written consent of the husband or wife of a prisoner or, if

[1] *Davis* v. *Berry*, 216 Fed. Rep. 413.

unmarried, his or her guardian shall be obtained, the operation may be performed whenever the superintendent of a State hospital for the insane and a majority of his staff agree that it is for the best interests of the patient and of society that a person inflicted with insanity, idiocy, imbecility, feeble-mindedness, or syphilis be sterilised or unsexed. An annual report shall be made to the governor of the State fully covering the proceedings under the Act, with observations and statistics regarding its benefits. Nebraska requires the sterilisation of the feeble-minded before their parole or discharge from State institutions.

Notifying Communicable Diseases.—In Indiana, physicians are required to report cases of tuberculosis. Premises occupied by such patients must be disinfected on their removal. In New Hampshire the physician, or, in his absence, any person who knows or has reason to believe that any member of his family or household has a communicable disease, must notify the fact to the proper authorities.

Sanitary Precautions.—Following the precedent of other States, Rhode Island, New Hampshire, and Pennsylvania banish the common drinking cup and towel from public places, vehicles, or buildings. Texas requires the sterilisation of dishes used in public restaurants and hotels in boiling water changed every two hours, and that all napkins must be fresh laundried for every customer. Pennsylvania prohibits the employment in hotels and public eating places of persons suffering from syphilis, tuberculosis, and other communicable diseases. In Massachusetts, Colorado, California, Connecticut, Montana, Alabama, and Oregon the manufacture and sale of mattresses and bedding are regulated in the interest of public health. The provisions of these statutes, which follow generally the same lines, require that there shall be a plain and legible description of the contents of the article, and that if any materials so used are "second hand" the fact shall be stated, and that mattresses obtained from hospitals or other localities where there have been infectious diseases shall not be re-made for general use.

Pure Food.—A variety of laws have been enacted to secure the public against impure and adulterated food. Pasteurisation of milk is required in New Jersey and California, unless obtained from cows which have passed a tuberculin test. In Massachusetts the ingredients used in bread sold by the loaf must be stated on a label attached

thereto. Butter and cheese factories must be licensed in Wisconsin. Eggs, if not new-laid, must be branded as " storage," " preserved " or " foreign " in Oregon and Washington, and hotels and public restaurants must display conspicuously a sign " we use foreign eggs," if such be the case. In Minnesota it is a misdemeanour to sell or advertise cold storage eggs without notice that the eggs are from cold storage.

Mothers' Pensions.—In Arizona all almshouses are abolished. Men and women over sixty years of age are given a pension of $15 a month. Widowed mothers and wives of imprisoned men with children under sixteen are entitled to $15 a month, and $6 additional for each child. Pensions to widowed, divorced, or abandoned mothers, to enable them to provide for dependent children in their own houses, are provided in Nebraska, Wyoming, Washington, Montana, Oklahoma, North and South Dakota, New Hampshire, Tennessee, and Nevada. The adoption of mothers' pensions is made compulsory in all counties in Wisconsin. New York gives powers to county authorities to grant allowances to widowed mothers with one or more children.

Money-Lenders.—In Ohio money-lenders are required to be licensed where more than 8 per cent. interest per annum is charged, and the Act fixes the maximum interest at 3 per cent. per month. Nebraska limits the interest charged by licensed money-lenders to 10 per cent. per annum, but allows an examination and brokerage fee. An assignment of salaries or wages in blank is illegal. All names and amounts must be filled up. The Secretary of State is required to inspect the books and accounts of money-lenders. In Pennsylvania money-lenders must have an annual licence and give a bond to the state. Loans only for sums of $300 or less are permitted, and the interest may not exceed 3 per cent. a month. Each licensed money-lender may have one office only, and may not divide business with another. Acts restricting money-lenders, popularly known as " loan sharks," were also passed in Michigan, Oregon, and Texas.

Labour—Hours and Wages.—A nine-hour day and fifty-four hours a week for women and children are required in Arkansas, Maine, Nebraska, Oklahoma, and Texas, and a ten-hour day and fifty-six hours a week in Wyoming. Several States require wages to be paid semi-monthly. The head of a family may not assign

his wages in Nebraska without being joined therein by his wife. Kansas has created an industrial welfare commission to regulate work and wages, and makes it unlawful to employ women or minors under conditions detrimental to their health or welfare at wages not adequate for their maintenance, or for more hours than is consistent with health. Child Labour Acts have been passed in several States, the general trend of which is to prevent employment for more than nine hours a day or fifty-one hours a week, and to require attendance for some part of the time at school.

Mediation in Labour Disputes.—In Indiana, an Act has been passed which provides for the appointment, by the governor of the State, of boards of arbitration and mediation. If the board is unable to effect a settlement, it is required to investigate the cause of the dispute and publish its findings. A similar Act was passed in Michigan.

Employers and Employees.—In New York citizens are to be given preferment in employment over aliens, and the Act only allows the engagement of the latter where citizens are not obtainable. In California and Nevada any person authorised to employ or direct workmen is liable to punishment if he receives a fee or gift as a condition of giving or continuing employment to any individual. In Indiana, a discharged employee is entitled to a letter from his employer setting forth the nature and character of the service rendered, the duration of his employment and the cause for leaving the service. In Nevada employers are forbidden to refuse to permit an employee from engaging in politics or becoming a candidate for office. Free public employment offices are provided in a number of the States, and private employment bureaus are forbidden in others.

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